

CALIFORNIA COASTAL COMMISSION

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W17c

DATE: September 27, 2018

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
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Michelle Kubran, Coastal Program Analyst

SUBJECT: County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-18-0039-1-Part C (Cannabis Regulations), for public hearing and Commission action at the October 10, 2018 Commission Hearing in San Diego.

SUMMARY OF STAFF RECOMMENDATION

Santa Barbara County proposes to amend the Implementation Plan (IP) component of its Local Coastal Program (LCP) to allow for and regulate cannabis-related activities in the unincorporated areas of the County. Commission staff recommends that the Commission, after public hearing, **reject** the County of Santa Barbara's proposed LCP Amendment No. LCP-4-STB-18-0039-1-Part C as submitted, and **certify** the proposed amendment only if modified pursuant to four (4) suggested modifications. The staff recommended suggested modifications can be found in Exhibit 1 of this staff report. The suggested modifications are necessary to ensure that the IP/CZO conforms with and is adequate to carry out the provisions of the certified LUP. The motions and resolutions to accomplish this recommendation are found on page 5 of this staff report.

The proposed amendment differentiates between the broad subtypes of cannabis activities (e.g., cultivation, distribution, manufacturing, testing, and retail), and limits these activities to appropriately zoned areas. More specifically, the proposed amendment would allow for outdoor, indoor, and mixed-light cannabis cultivation and nurseries in the Agriculture-I (AG-I) and Agriculture-II (AG-II) zone districts and indoor cultivation and nurseries in the Industrial Research Park (M-RP) zone district. Distribution and non-volatile manufacturing would be allowed in all three zone districts (AG-I, AG-II, M-RP) as well. Microbusinesses, which include three of the four following types of cannabis activities at a site: cultivation, distribution, non-volatile manufacturing, and retail, would be allowed in AG-II, Limited Commercial (C-1), and Retail Commercial (C-2). In the AG-II zone district only non-storefront retail (delivery-only) would be allowed. The amendment would also allow for retail, either storefront or non-storefront, in the C-1 and C-2 zone districts, cannabis testing in the C-1, C-2, M-RP, and Professional and Institutional (PI) zone districts, and volatile manufacturing in the AG-I and AG-II zone districts.

The proposed amendment would regulate the various subtypes of cannabis activities in a manner similar to other types of agricultural cultivation and processing uses, with a few exceptions. It

would also add additional requirements to address unique issues related to cannabis activities, including development standards related to archaeological and paleontological resource protection, habitat protection, security and screening, odor abatement, visual resource protection, minimum distances that cannabis activities can be located from residential zones and schools, and development standards for manufacturing and distribution on agricultural lands. Since the proposed amendment would allow manufacturing and distribution on agriculture zoned lands, Suggested Modification No. 3 is necessary to include increased protection for prime soils and non-prime land suitable for agriculture. Additionally, Suggested Modification No. 3 is necessary to protect the local agricultural economy and regulate cannabis in a manner similar to other types of agricultural cultivation and processing by requiring that a minimum of 51% of the cannabis product manufactured or distributed on the Gaviota Coast is sourced from the lot where the manufacturing or distribution occurs, and that all manufactured or distributed cannabis in the County that is grown offsite in other areas of California is sourced from lands within 25 miles of the boundaries of Santa Barbara County. Finally, Suggested Modification No. 3 is necessary to ensure that the required development standards are consistent with the visual resources, public access and environmentally sensitive habitat area provisions of the certified LUP.

The County is also proposing a Cannabis Business License Ordinance for certification. The Business License Ordinance includes definitions, requirements, and procedures for processing business licenses for commercial cannabis activities. Prior to submittal of the proposed ordinances, the County adopted changes to the Business License Ordinance, which created inconsistencies between that ordinance and the IP/CZO amendment, and those changes were not made in the IP/CZO amendment before submittal to the Commission. Such inconsistencies include differences in definitions for terms used in both ordinances, as well as a land use cap for cultivation that is part of the Business License Ordinance but not included in the IP/CZO amendment. This land use cap limits cannabis cultivation within the Carpinteria Agricultural Overlay District to a maximum of 186 acres in order to avoid a proliferation of this type of crop in the Carpinteria area. Staff is recommending Suggested Modification Nos. 1 and 3 to include additional definitions and a reference to the cultivation cap applicable in the Carpinteria Overlay that were missing from the IP/CZO amendment and are important for clarity.

Another inconsistency between the Business License Ordinance and the proposed IP/CZO amendment is that outdoor cultivation is completely prohibited in the Business License Ordinance but allowed in the IP/CZO amendment. The County indicated that their intent is to prohibit outdoor cultivation due to concerns about odors and other nuisances associated with this type of crop in agricultural areas that are in close proximity to residential and other urban land uses, particularly in the Carpinteria Valley where most of the cultivation is expected to occur. However, requiring cannabis cultivation to occur indoors throughout the County's coastal zone, even in rural areas, creates the potential for a significant increase in the construction of greenhouses and other structures on prime soils and other land suitable for agriculture. This has the potential to result in adverse impacts to agricultural and visual resources. Commission staff worked with the County to address this issue by limiting the prohibition on outdoor cultivation to within one mile of the County's Urban-Rural boundary. This standard would minimize nuisances from the cultivation activities and allow for outdoor cultivation in areas further away from sensitive receptors. Therefore, in order to be consistent with the agriculture protection policies of the County's certified LUP, as well as meet the needs of the local jurisdiction, Suggested

Modification No. 3 prohibits outdoor cultivation on AG-I and AG-II zoned lots within one mile of an Urban-Rural boundary.

As proposed, the Business License Ordinance would reside in a section of the County's Code outside of the certified LCP, and other than some of the definitions, the 186 acre land use cap, and the inconsistency regarding outdoor cultivation, the Business License Ordinance pertains to local business issues and does not contain standards that would apply to coastal development permits. Therefore, since Suggested Modifications No. 1 and 3 reconcile the two ordinances, Suggested Modification No. 4 is necessary to not certify the Business License Ordinance as part of this LCP amendment so that it is not the standard of review for coastal development permits and can be separately implemented by the County. The County has indicated that it is in agreement with this approach.

In conclusion, staff recommends that the Commission certify the proposed amendment if modified pursuant to the four (4) suggested modifications that can be found in Exhibit 1 of this staff report.

<p>Additional Information: Please contact Michelle Kubran at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 South California Street, Suite 200, Ventura, CA 93001</p>

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EXHIBITS

[Exhibit 1 – Suggested Modifications to the proposed Coastal Zoning Ordinance amendment](#)

[Exhibit 2 – Santa Barbara County Ordinance No. 5028 and 5037 containing the proposed
Coastal Zoning Ordinance amendment text and proposed Cannabis Business
License Ordinance text](#)

[Exhibit 3 – Urban-Rural Boundary Buffer Maps](#)

[Exhibit 4 – Correspondence from City of Carpinteria](#)

I. PROCEDURAL OVERVIEW

A. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...(Section 30513)

...The Commission may only reject zoning ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which

the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out together with its reasons for the action taken...(Section 30513)

The Commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director...(Section 30513)

Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513... (Section 30514(b))

Pursuant to Section 30512(c), the standard of review for the proposed amendment to the County's certified IP/CZO, pursuant to Sections 30513 and 30514(b) of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the County's certified LCP. Additionally, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the County's certified LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in the preparation, approval, certification and amendment of any LCP. Santa Barbara County held 27 public meetings and hearings regarding the cannabis land use ordinance between February 27, 2017 and February 27, 2018. All County hearings were duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment was posted in a local newspaper at least ten days prior to the October 10, 2018 Coastal Commission hearing, and individual notices have been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, the County resolution for submittal of the LCP amendment can either require formal local government adoption after Commission approval, or designate that an amendment will take effect automatically upon Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. However, if the Commission approves this amendment with any modifications, as recommended, the County must act to accept the certified suggested modifications within six months from the date of Commission action for the amendment to become effective (CCR Sections 13544.5 and 13537). Pursuant to Section 13544 of the California Code of Regulations, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS FOR THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. DENIAL AS SUBMITTED

MOTION I: *I move that the Commission **reject** Implementation Plan Amendment No. LCP-4-STB-18-0039-1-Part C for the County of Santa Barbara as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in denial of the Implementation Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY:

The Commission hereby **denies** certification of the Implementation Plan Amendment No. LCP-4-STB-18-0039-1-Part C submitted for the County of Santa Barbara and adopts the findings set forth below on the grounds that the Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.

B. APPROVAL WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission **certify** Implementation Plan Amendment No. LCP-4-STB-18-0039-1-Part C for the County of Santa Barbara if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the Implementation Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** Implementation Program Amendment No. LCP-4-STB-18-0039-1-Part C for the County of Santa Barbara if modified as suggested and adopts the findings

set forth below on the grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Amendment as submitted.

III. FINDINGS FOR DENIAL AS SUBMITTED, & APPROVAL OF THE AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the LCP Amendment as submitted, and approval of the LCP Amendment if modified as indicated in Exhibit 1 (*Suggested Modifications*) to this staff report. The Commission hereby finds and declares as follows:

A. LCP AMENDMENT DESCRIPTION

Santa Barbara County is proposing to amend the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) component of its Local Coastal Program (LCP) to regulate cannabis-related activities. The proposed amendment adds definitions for "cannabis," "commercial cannabis activity," and other cannabis-related activities, such as "cultivation," "retail," "distribution," and "manufacturing." The proposed amendment adds a new section to the IP/CZO that contains the proposed cannabis regulations and allows for specific commercial cannabis uses in certain zones. Specifically, the amendment would allow for outdoor, indoor, and mixed-light cannabis cultivation and nurseries in the Agriculture-I (AG-I) and Agriculture-II (AG-II) zone districts and indoor cultivation and nurseries in the Industrial Research Park (M-RP) zone district. Distribution and non-volatile manufacturing would be allowed in all three zone districts (AG-I, AG-II, M-RP) as well. Microbusinesses, which are owners or entities that engage in three of the four following types of cannabis activities: cultivation, distribution, non-volatile manufacturing, and retail, would be allowed in AG-II, Limited Commercial (C-1), and Retail Commercial (C-2). In the AG-II zone district only non-storefront retail (delivery-only) would be allowed. The amendment would also allow for retail, either storefront or non-storefront, in the C-1 and C-2 zone districts, cannabis testing in the C-1, C-2, M-RP, and Professional and Institutional (PI) zone districts, and volatile manufacturing in the AG-I and AG-II zone districts.

Proposed development standards include a minimum distance of 600 ft. for nurseries, 1,500 ft. for outdoor cultivation on AG-I zoned lots, and 750 ft. for all other cannabis activities from any school providing instruction in kindergarten or any grades one through 12, any day care center, or youth center. Outdoor cultivation on AG-I zoned lots is also required to be a minimum distance of 1,500 ft. from any residential zone. Manufacturing and distribution on AG-I and AG-II zoned lots would only be permissible if they are accessory to cannabis cultivation. Additionally, the proposed amendment includes requirements for archaeological and paleontological surveys, fencing and security plans, landscape and screening plans, lighting,

noise, and odor abatement plans, signage, and tree protection, habitat protection, and wildlife movement plans.

The County is also proposing a Cannabis Business License Ordinance for certification. The Business License Ordinance includes definitions and requirements and procedures for processing business licenses for commercial cannabis activities. Prior to submittal of the proposed IP/CZO amendment and Business License Ordinance, the County adopted changes to the Business License Ordinance, which created inconsistencies between the Business License Ordinance and the IP/CZO amendment, and those changes were not made in the IP/CZO amendment before submittal to the Commission. These inconsistencies and the suggested modifications to harmonize the two documents are discussed further below.

B. CORRESPONDENCE RECEIVED

The City of Carpinteria submitted a letter to the Commission on July 23, 2018 describing the City's concerns regarding the subject amendment, which include the discrepancy between the Business License Ordinance and the IP/CZO amendment regarding the land use cap for cultivation in the Carpinteria Valley, permitting manufacturing and distribution on agricultural lands, impacts to prime soils, and parking standards for manufacturing and distribution on agriculture zoned lots. Most of the City's concerns have been directly addressed by the suggested modifications. However, the City requested that a suggested modification be included to apply the LCP's existing parking standard for industrial uses to distribution and manufacturing on agriculture zoned lots in order to minimize impacts to on-street parking. The parking standard required for agriculture is 2 parking spaces per acre of land used for greenhouses, hothouses or other plant protection structures, while the parking standard for industrial uses is one parking space per 1.5 employees, but in no case less than one space per 500 square feet of gross floor area. Requiring the industrial parking standard on agriculture zoned lots would have the potential to impact prime soils. Therefore, this issue has been addressed in a different way through Suggested Modification No. 3 to the Site Transportation Demand Management Plan, which would require applicants to provide a combination of methods to reduce vehicle trips to the commercial cannabis site in order to avoid impacts to prime soils and on-street parking to the maximum extent feasible. Additionally, the City requested that volatile manufacturing be prohibited on agriculture zoned lots. As explained in Section B. below, the County has stated that the quantities of chemicals used in cannabis manufacturing operations are not greater than the quantities used in other agricultural operations and determined that there was not a great enough distinction to more closely regulate manufacturing in the cannabis industry. However, Suggested Modification No. 3 would require all manufacturing activities to comply with all necessary Best Management Practices in order to avoid soil and water contamination on agricultural lands. Therefore, staff believes that all of the City's concerns are addressed either directly or indirectly by the suggested modifications.

C. AGRICULTURE AND LAND USE

1. Coastal Act Policies

Section 30241 states:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30603(a)(4) of the Coastal Act states:

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments: ...

...

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

...

2. Applicable LUP Policies

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Policy 8-2 states:

If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.

Policy 8-3 states:

If a parcel is designated for agricultural use and is located in a rural area contiguous with the urban/rural boundary, conversion shall not be permitted unless:

- a. The agricultural use of the land is severely impaired because of physical factors (e.g. high water table), topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and*
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and*
- c. There are no alternative areas appropriate for infilling within the urban area or there are not other parcels along the urban periphery where the agricultural potential is more severely restricted.*

Policy 8-5 states, in relevant part:

All greenhouse projects of 20,000 or more square feet and all additions to existing greenhouse development, i.e., greenhouse expansion, packing sheds, or other development for a total of existing and additions of 20,000 or more square feet, shall be subject to County discretionary approval and, therefore, subject to environmental review under County CEQA guidelines.

Prior to issuance of a coastal development permit, the County shall make the findings based on information provided by environmental documents, staff analysis, and the applicant that all significant adverse impacts of the development as addressed in paragraphs "a" through "e" below have been identified and mitigated...

The Carpinteria Agricultural Overlay District map identifies areas where future development of greenhouses shall be regulated in accordance with the CA Overlay District. Area A allows future expansion of greenhouses, greenhouse related development, packing and shipping facilities, shade and hoop structures, on AG-I zoned lands as identified by the Carpinteria Agricultural Overlay District map, subject to the provisions of this overlay district. Area A is generally located south of Highway 192, east of Nidever Road and west of Linden Avenue. Within Area A, a total development cap of 2.75 million square feet of new greenhouse and greenhouse related development, packing and shipping facilities, and hoop structures (excluding shade structures) has been established for the life of the program. Area B allows new greenhouses, greenhouse related development, packing and shipping facilities, shade and hoop structures subject to the provisions of the CA Overlay District. Area B encompasses the remainder of AG-I zoned lands, as identified by the Carpinteria Agricultural Overlay District map, in the Carpinteria Valley...

Policy 8-6 states, in relevant part:

No greenhouse, hothouse, or accessory structure shall be located closer than 50 feet from the boundary line of a lot zoned residential. In addition, setback and maximum lot coverage requirements shall be as follows:

<i>Parcel Size</i>	<i>Setbacks</i>	<i>Maximum Lot Coverage for All Structures</i>
<i>Less than 5 acres</i>	<i>30 feet from the right-of-way of any street and 20 feet from the lot lines of the parcel on which the greenhouse is located</i>	<i>75 percent</i>
<i>5 to 9.99 acres</i>	<i>30 feet from the right-of-way of any street and 20 feet from the lot lines of the parcel on which the greenhouse is located</i>	<i>70 percent</i>
<i>10 acres or more</i>	<i>30 feet from the right-of-way of any street and 20 feet from the lot lines of the parcel on which the greenhouse is located</i>	<i>65 percent</i>

Within the Carpinteria Agricultural Overlay District the following lot coverage, height and setback requirements shall apply:

1) Lot Coverage

Lot coverage shall be calculated to include all greenhouses, shade and hoop structures, packing and shipping facilities, and greenhouse related development including accessory buildings, and associated paved driveways and parking areas.

- a. For parcels identified as view corridor parcels on the Carpinteria Agricultural Overlay District map, lot coverage shall not exceed 25% net lot coverage. Development shall be clustered adjacent to existing greenhouse development to the greatest extent feasible.*
- b. In Area B, the maximum cumulative lot coverage shall be 20,000 square feet...*

Policy 8-11 states:

The following requirements shall apply to greenhouse and greenhouse related development within the Carpinteria Valley to protect the long-term productivity of prime agricultural soils.

- a. Greenhouse operations on prime agricultural soils shall encourage use of in-soil cultivation methods.*
- b. Prime agricultural soils shall not be modified with sterilants or other chemicals that would adversely affect the long-term productivity of the soil.*
- c. The removal of prime agricultural soils shall be prohibited, including removal of indigenous prime soils used as a growing medium for container plants which are sold intact.*

Toro Canyon Plan Policy LUA-TC-2 states:

Land designated for agriculture within Toro Canyon shall be preserved and protected for agricultural use.

Toro Canyon Plan Dev Std LUA-TC-2.2 states:

To the maximum extent feasible, hardscaped areas associated with agricultural and greenhouse development (i.e., parking lots, loading bays, interior walkways in greenhouses, and accessory building footprints) shall be minimized in order to preserve the maximum amount of prime agricultural soils. Minimizing the covering of soils shall be accomplished through efficient site and building design and the use of pervious surfaces wherever feasible.

Toro Canyon Plan Policy LUA-TC-3 states:

New development shall be compatible with adjacent agricultural lands.

Toro Canyon Plan Policy LUA-TC-4 states:

Within the coastal zone, in areas with prime agricultural soils, structures, including greenhouses that do not rely on in-ground cultivation, shall be sited to avoid prime soils to the maximum extent feasible.

Eastern Goleta Valley Community Plan Policy LUA-EGV-1.1 states:

Agricultural resources, agricultural land uses and operations, and distinctive urban and rural agricultural characteristics shall be preserved to the greatest extent feasible.

3. Consistency Analysis

Coastal Act Section 30241 requires preservation of the maximum amount of prime agricultural land. Coastal Act Section 30242 requires the preservation of lands suitable for agricultural use,

the long-term productivity of soils, and limits the conversion of agricultural lands to non-agricultural uses. The County's certified LUP also contains policies that protect existing agricultural land uses within the Plan area. Policies 8-2 and 8-3 provide for the designation of agricultural lands and limit the conversion of agricultural land uses to non-agricultural land uses. Policies 8-5, 8-6, and 8-11 include specific requirements for greenhouse development, and the Toro Canyon and Eastern Goleta Community Plans contain specific policies regarding agriculture in those areas. Additionally, greenhouse and related development is regulated in the Carpinteria Valley by the Carpinteria Agricultural Overlay District.

Agriculture

As previously described, the proposed IP/CZO amendment would allow cultivation, distribution, and manufacturing on AG-I and AG-II zoned lots. Proposed development standards for cultivation include prohibition of outdoor cultivation on AG-I lots of certain sizes and on AG-I lots within 1,500 ft. of a residential zone or school. This development standard was proposed to ensure that nuisances associated with cannabis cultivation, such as odor and noise, are minimized near schools and residential areas. When the County adopted the Cannabis Business License Ordinance after adoption of the IP/CZO amendment, a change was made in the Business License Ordinance to prohibit all outdoor cultivation in the coastal zone. However, this change was not made in the IP/CZO amendment. Commission staff coordinated with County staff to determine the County's intent with regards to outdoor cultivation. Commission staff also discussed with County staff the concern that prohibiting outdoor cultivation everywhere in the coastal zone, even in rural areas, would force cultivation to be conducted indoors, and thus increase the construction of greenhouses and accessory structures on prime soils and land suitable for open field agriculture. County staff determined that prohibition of outdoor cultivation within one mile of an Urban-Rural boundary would be an appropriate standard in order to minimize nuisances from the cultivation activities and to allow for outdoor cultivation in areas further away from sensitive receptors. This change would result in the prohibition of outdoor cultivation for most of the agricultural areas near the cities of Carpinteria and Goleta, and outdoor cultivation would be allowed on the entire Gaviota Coast (Exhibit 3). By prohibiting outdoor cultivation within one mile of an Urban-Rural boundary, both the conflicts between cultivation activities and residences and schools and the potential for the proliferation of greenhouses and other structures for cannabis cultivation in rural areas would be minimized. Therefore, in order to be consistent with Coastal Act Sections 30241 and 30242 as incorporated into the County's LUP as well as meet the needs of the local jurisdiction, Suggested Modification No. 3 is included to include the prohibition of outdoor cultivation on AG-I and AG-II zoned lots within one mile of an Urban-Rural boundary.

The proposed prohibition of outdoor cultivation within one mile of an Urban-Rural boundary would require most cultivation within the Carpinteria Valley to be conducted indoors (i.e., in a greenhouse, hothouse, or other structure). In the existing certified IP/CZO, greenhouses, hothouses, and other plant protection structures and related development are listed as permitted uses that must also meet the regulations of the Carpinteria Agricultural Overlay District. The subject amendment proposes to add cannabis cultivation, nursery, distribution, and manufacturing as separate permitted uses in the AG-I and AG-II zone districts subject to the provisions of Section 35-144U (the proposed cannabis regulations) (Exhibit 2). However,

Section 35-144U does not propose to reference the Carpinteria Agricultural Overlay District, so it is unclear whether greenhouses and similar structures would be regulated for cannabis activities in the same manner as they are regulated for other agriculture. The Carpinteria Agricultural Overlay District was certified in order to require limitations on the square footage of greenhouses built in the Carpinteria Valley. The Carpinteria Agricultural Overlay District was implemented in response to a significant increase in greenhouses and greenhouse related development in past decades, which resulted in a significant visual change in the rural character of the valley and raised other issues related to increased traffic, flooding potential, groundwater recharge, impacts on the Carpinteria Salt Marsh, and conflicts with adjacent residential uses. Therefore, a Suggested Modification No. 3 is necessary to clarify that all structures for commercial cannabis activities, including accessory structures, within the Carpinteria Agricultural Overlay District must comply with the Overlay District standards.

The County also adopted a 186 acre cap for cannabis cultivation within the Carpinteria Agricultural Overlay District in the Business License Ordinance but did not adopt the acreage cap in the IP/CZO amendment. According to the County, the 186 acre cap was adopted to allow for new operations in addition to existing operations, while also limiting the number of acres within the Carpinteria Valley to be cultivated for cannabis in order to ensure that other crops, such as cut flowers, would remain in the region as well. Since this land use cap was not included in the IP/CZO amendment, which provides the provisions and regulations for land use in the County, Suggested Modification No. 3 adds reference to the 186 acre cap for cannabis cultivation, nurseries, and microbusinesses with cultivation within the Carpinteria Agricultural Overlay District to the IP/CZO. The County has indicated that the acreage cap will be implemented through the Business License Ordinance, rather than through coastal development and use permits. Therefore, the suggested modification to add the 186 acre cap is simply to make clear that this maximum acreage limit applies and notes that the cap will be implemented through the Business License Ordinance.

The proposed amendment also includes a development standard that requires all structures for cannabis cultivation to avoid prime soils to the maximum extent feasible. Sections 30241 and 30242 of the Coastal Act, as incorporated into the certified LUP, protect coastal agricultural land, by requiring the maximum amount of prime agricultural land to be maintained in agricultural production and by prohibiting conversion of lands suitable for agriculture to non-agricultural uses unless continued or renewed agricultural use is not feasible or such conversion would preserve prime agricultural land or concentrate development. The County has indicated that most of the interest to conduct cannabis cultivation has been in the Carpinteria Valley where many of the lots are entirely covered with prime soils; and while the proposed amendment requires structures to avoid prime soils to the maximum extent feasible, cultivation would also be allowed in other areas of the County, such as the Gaviota Coast, which do not contain many areas of prime soil but are nonetheless suitable for agriculture. Therefore, Suggested Modification No. 3 is necessary to modify the proposed development standard to also require structures for cannabis cultivation to avoid land suitable for agriculture to the maximum extent feasible in order to be consistent with Section 30242. To further carry out the agricultural protection policies of the Coastal Act and the certified LUP, Suggested Modification No. 3 requires all cannabis structures to be designed to use as little agricultural land as possible and to be clustered with other existing structures to the maximum extent feasible.

The amendment also proposes to allow manufacturing and distribution for cannabis products on agriculture zoned lands. The proposed development standards require that a minimum of 10% of the cannabis product either manufactured or distributed is sourced from cannabis plant material cultivated on the same lot as the manufacturing or distribution activity. Additionally, the proposed amendment requires the manufacturing or distribution to be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing or distribution must occupy a smaller footprint than the area designated for cultivation on the lot. The purpose of these standards is to allow for consolidation of manufacturing and distribution while requiring these uses to be subordinate and incidental to the cultivation on site in order to restrict lots zoned for agriculture from converting to entirely industrial purposes. However, these standards are neither fully protective of coastal agriculture nor consistent with the certified LCP. Therefore, Suggested Modification No. 3 is necessary to require that structures for manufacturing and distribution are sited and designed to avoid prime soils and non-prime land suitable for agriculture to the maximum extent feasible, as well as require such structures to use as little agricultural land as possible and be clustered to the maximum extent feasible. Further, the suggested modification is necessary to require that such uses be located in existing structures to the maximum extent feasible in order to preserve prime and non-prime agricultural land.

Additionally, the existing IP/CZO requires manufacturing and distribution of all other agricultural products grown off premises to primarily source the agricultural products from local agricultural land, which is defined as lands located within 25 miles of the boundaries of Santa Barbara County. This requirement is to ensure the protection of the local agricultural economy consistent with Section 30241 of the Coastal Act. Therefore, Suggested Modification No. 3 is necessary to modify the development standards for both distribution and manufacturing to require that cannabis products not grown on the same lot as the manufacturing or distribution activity are sourced from lands within 25 miles of the boundaries of Santa Barbara County. In addition, the Commission approved the Gaviota Coast Plan through Local Coastal Program Amendment (LCPA) No. LCP-4-STB-18-0039-1-Part B on August 10, 2018, which included policies and development standards specific to the Gaviota Coast Plan Area. While that LCPA has not yet been fully certified, it does provide guidance on provisions for the protection of agriculture in the Gaviota Coast area. The subject amendment, as proposed, would create inconsistencies with this recently approved LCPA. One of the proposed development standards in the Gaviota Coast Plan limits the percentage of products from offsite that are processed on agricultural lots to 49%. This standard was proposed to ensure that manufacturing and distribution on the Gaviota Coast are supportive of the local coastal agriculture. The subject amendment, however, would allow for 90% of the manufactured or distributed cannabis plant material to be sourced from offsite. Therefore, in order to be consistent with the Gaviota Coast Plan and ensure that the local coastal agricultural economy is supported, Suggested Modification No. 3 is necessary to require that within the Gaviota Coast Plan Area a minimum of 51% of the manufactured or distributed cannabis product shall be sourced from cannabis plant material cultivated on the same lot on which the distribution or manufacturing activities occur.

The amendment also proposes to allow both non-volatile and volatile manufacturing on agriculture-zoned lots. The County has stated that the quantities of chemicals used in cannabis manufacturing operations are not greater than the chemicals used in other agricultural operations and determined that there was not a great enough distinction to more closely regulate

manufacturing in the cannabis industry. However, chemicals used in both the volatile and non-volatile manufacturing processes have the potential to contaminate soils and groundwater when used in operations on lots zoned for agriculture. Therefore, in order to protect prime soils, non-prime land suitable for agriculture, groundwater, and surface water, consistent with the agriculture protection policies of the LUP (Policies 8-11, LUA-TC-2 and LUA-EGV-1.1), it is necessary to modify the proposed IP/CZO to add a requirement that all volatile and non-volatile manufacturing operations implement all necessary Best Management Practices to avoid soil and water contamination.

In addition, the proposed amendment requires applicants for cultivation to prepare and submit a Site Transportation Demand Management Plan in order to reduce vehicle trips generated by the cultivation. Such plans must include at least one method listed in the requirement to reduce vehicle trips, such as providing shared parking areas for ridesharing on large and/or rural lots. While this requirement, which is intended to reduce greenhouse gas emissions associated with cannabis cultivation, is beneficial, such a requirement should be intended to protect prime soils as well. Most of the lots in the Carpinteria Valley are covered entirely with prime soils. Therefore, if a cultivator has to increase parking on his or her lot the parking area could potentially impact prime soils. Thus, it is necessary to modify the Site Transportation Demand Management Plan requirement to require that a combination of methods must be included in the plan to reduce vehicle trips generated by the cultivation in order to avoid impacts to prime soils to the maximum extent feasible. Additionally, the proposed amendment only requires submittal of a Site Transportation Demand Management Plan for cultivation. However, this plan should be required for manufacturing and distribution activities as well. Therefore, Suggested Modification No. 3 is necessary to include these requirements in the development standards for manufacturing and distribution.

Principal Permitted Use

The proposed amendment describes the type of permit and permit requirements for each commercial cannabis activity. The amendment proposes a table (Allowed Cannabis Uses and Permit Requirement by Zone), which lists the permitted uses for each cannabis use in each zone district; however, the table does not identify which of the allowed uses would be considered the “principal permitted use” in each zone, as required under Coastal Act Section 30603(a)(4). Section 30603(a)(4) of the Coastal Act provides that approval, by a coastal county, of any development that is not designated in the LCP as “the principal permitted use” is appealable to the Coastal Commission.

For example, the subject amendment proposes to allow cultivation, distribution, and manufacturing (both volatile and non-volatile) on agriculture zoned land. All of these uses, except for volatile manufacturing, are listed as permitted uses in the proposed use table. Volatile manufacturing is proposed to require a major conditional use permit. Due to the fact that the County has not proposed a principal permitted use for each zone district but has rather proposed a range of uses that are permitted within each zone district, it is necessary to clarify which use is considered a principal permitted use in each zone district. Therefore, it is necessary to modify the proposed use table to denote that cultivation on agriculture zoned lands is a principal permitted use, storefront and non-storefront retail are principal permitted uses on commercial zoned land,

testing is a principal permitted use in the Commercial, Professional and Institutional, and Industrial Research Park zone districts, and manufacturing and distribution are principal permitted uses in the Industrial Research Park zone as well. Other commercial cannabis uses, where allowed, would be appealable to the Coastal Commission. Further, to ensure that the use table is properly interpreted, it is necessary to modify the “Permit Requirements for commercial cannabis activities” section of the proposed amendment to include language that explains the different permit requirements in the proposed use table.

Definitions and Other Minor Changes

As discussed above, the County submitted a Business License Ordinance that includes definitions and requirements and procedures for processing business licenses for commercial cannabis activities. However, several definitions included in the Business License Ordinance are either not included or not consistent with the definitions in the proposed IP/CZO amendment. For example, the terms “canopy area” and “commercial cannabis operations” are both used in the IP/CZO amendment but are only defined in the Business License Ordinance. Therefore, Suggested Modification No. 1 is necessary to include definitions from the Business License Ordinance in the IP/CZO and revise others for clarity and consistency.

Additionally, the Business License Ordinance, which was submitted for certification, would reside in a section of the County’s Code outside of the certified LCP. Further, other than some of the definitions and the 186 acre land use cap in the Carpinteria Valley, the Business License Ordinance pertains to local business issues and does not contain standards that would apply to coastal development permits. Therefore, since modifications are suggested in order to include and revise certain definitions from the Business License Ordinance and note the 186 acre land use cap, certification of the Business License Ordinance is not necessary. Thus, Suggested Modification No. 4 is necessary to not certify the Business License Ordinance as part of this LCP amendment so that it is not the standard of review for coastal development permits and can be separately implemented by the County.

Finally, Suggested Modification Nos. 2 and 3 are necessary to ensure that the proposed amendment is consistent with the certified language in the LUP, correct inconsistencies within the proposed amendment, and make changes and correct minor grammatical errors requested by the County.

4. Conclusion

For all of the reasons stated above, the Commission finds that the IP/CZO amendment, only as suggested to be modified, conforms with and is adequate to carry out the agricultural resource protection and land use policies of the certified Land Use Plan.

D. LAND AND MARINE RESOURCES

1. Coastal Act Policies

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

2. Applicable LUP Policies

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Policy 1-2 states:

Where policies within the land use plan overlap, the policy which is the most protective of coastal resources shall take precedence.

Policy 2-2 states, in relevant part:

The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded...

Policy 2-5 states:

Water-conserving devices shall be used in all new development.

Policy 2-11 states:

All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

Policy 3-19 states:

Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

Policy 9-1 states:

Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.

Policy 9-9 states:

A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.

The upland limit of wetland shall be defined as: 1) the boundary between land with predominately hydrophytic cover and land with predominately mesophytic or xerophytic cover; or 2) the boundary between soil that is predominately hydric and soil that is predominately nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.

Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

Policy 9-11 states:

Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.

Policy 9-14 states:

New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

Policy 9-16(a) states:

No grazing or other agricultural uses shall be permitted in coastal wetlands.

Policy 9-18 states:

Development shall be sited and designed to protect native grassland areas.

Policy 9-22 states:

Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.

Policy 9-23 (Butterfly Trees) states:

Adjacent development shall be set back a minimum of 50 feet from the trees.

Policy 9-35 states:

Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

Policy 9-36 states:

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Policy 9-37 states:

The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:

- a. Soil type and stability of stream corridors;*
- b. How surface water filters into the ground;*
- c. Slope of the land on either side of the stream; and*
- d. Location of the 100-year floodplain boundary.*

Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

Policy 9-42 states:

The following activities shall be prohibited within stream corridors: cultivated agriculture, pesticide applications, except by a mosquito abatement or flood control district, and installation of septic tanks.

Toro Canyon Plan Policy LUG-TC-7 states:

In addition to the requirements of LUP Policy 2-11, development shall be scaled, sited and designed to protect resources such as environmentally sensitive habitat and visual resources and to respect site constraints such as steep slopes. Regulatory measures to ensure such protection shall include but not be limited to restrictions on the following: size; color; reflectivity and height of structures; roofs and other architectural features; length of roads and driveways; number and size of accessory structures; configuration and size of development envelopes including concentrating development in existing development areas; amount and location of grading; vegetation removal; and night lighting.

Toro Canyon Plan Policy LUG-TC-8 states:

Protection of ESH and public access shall take priority over other development standards and where there is any conflict between general development standards and ESH and/or public access protection, the standards that are most protective of ESH and public access shall have precedence.

Toro Canyon Plan Policy WW-TC-3 states:

Development in Toro Canyon shall incorporate appropriate water efficient design, technology and landscaping.

Toro Canyon Plan Policy WW-TC-4 states:

Development shall avoid the introduction of pollutants into surface, ground and ocean waters. Where avoidance is not feasible, the introduction of pollutants shall be minimized to the maximum extent feasible...

Toro Canyon Plan Policy BIO-TC-1 states:

Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.

Toro Canyon Plan Policy BIO-TC-13 states:

Native protected trees and non-native protected trees shall be preserved to the maximum extent feasible.

Toro Canyon Plan Policy BIO-TC-14 states:

Non-native trees and forests (e.g., eucalyptus groves and windrows) that provide known raptor nesting or major and recurrent roosting sites shall be protected.

Toro Canyon Plan Policy BIO-TC-16 states:

The conversion of vacant land in ESH, ESH buffer, or on slopes over 30 percent to new crop, orchard, vineyard, or other agricultural use shall not be permitted. Existing, legally established agricultural uses shall be allowed to continue.

Eastern Goleta Valley Community Plan Policy ECO-EGV-1.1 states:

The County shall designate and provide protection to important or sensitive environmental resources and habitats in Eastern Goleta Valley.

Eastern Goleta Valley Community Plan Policy ECO-EGV-3.2 states:

Ecological communities and habitats shall not be fragmented into small non-viable pocket areas by development.

Eastern Goleta Valley Community Plan Policy ECO-EGV-3.3 states:

In rural areas and where major wildlife corridors are present in urban areas, development shall not interrupt major wildlife travel corridors within Eastern Goleta Valley. Typical wildlife corridors are provided by drainage courses and similar undeveloped natural areas.

Eastern Goleta Valley Community Plan Policy ECO-EGV-4.2 states:

(COASTAL) All existing “protected trees” shall be protected from damage or removal to the maximum extent feasible, except in cases where preservation of trees would preclude reasonable use of a parcel, or threaten life and/or property. Where the removal of protected trees cannot be avoided through the implementation of project alternatives, or where development encroachments into the protected zone of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be required.

Eastern Goleta Valley Community Plan Policy ECO-EGV-5.1 states:

Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors (RC) within Eastern Goleta Valley shall be protected and, where feasible and appropriate, enhanced.

Eastern Goleta Valley Community Plan Policy ECO-EGV-5.8 states:

(COASTAL) Resource dependent uses may be allowed in ESH where sited and designed to avoid significant disruption of habitat values. A resource dependent use is a use that is dependent on the ESH resource to function (e.g., nature study, habitat restoration, and public trails). Non-resource dependent development, including fuel modification, shall be

sited and designed to avoid ESH and ESH buffer areas. If avoidance is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected.

Eastern Goleta Valley Community Plan Policy ECO-EGV-6.1 states:

Native woodlands, native grasslands, and coastal sage scrub shall be preserved and protected as viable and contiguous habitat areas.

Eastern Goleta Valley Community Plan Policy ECO-EGV-6.2 states:

Monarch butterfly roosting habitats shall be preserved and protected.

Policy 10-1 states:

All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

Policy 10-2 states:

When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

Policy 10-3 states:

When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

Policy 10-5 states:

Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.

Toro Canyon Plan Policy HA-TC-1 states:

Archaeological resources shall be protected and preserved to the maximum extent feasible.

Eastern Goleta Valley Community Plan Policy HA-EGV-1.1 states:

Known and discovered significant historic, archeological, and tribal cultural resources shall be protected from immitigable disturbance or destruction.

Eastern Goleta Valley Community Plan Policy HA-EGV-2.1 states:

Significant tribal cultural resources of concern to the Chumash Indians should be protected and preserved to the maximum extent feasible.

3. Consistency Analysis

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP. Coastal Act Section 30230 requires the maintenance, enhancement, and restoration of marine resources and assigns the highest protection to areas and species of special biological or economic significance. Section 30231 requires the protection of the biological productivity and quality of coastal waters and provides specific methods for achieving these protections. Section 30240 of the Coastal Act requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat values. No development, with the exception of uses dependent on the resources, is allowed within any ESHA. This policy further requires that development adjacent to ESHA and parks and recreation areas is sited and designed to prevent impacts that would significantly degrade those areas and to be compatible with the continuance of those areas. Section 30244 requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts. In addition, the County's existing certified LUP contains numerous policies (listed in subsection 2 above) to protect biological resources, ESHA, water quality, and cultural resources within the County's coastal zone.

Environmentally Sensitive Habitat

The proposed amendment requires an applicant for a commercial cannabis activity to submit a Tree Protection Plan, Habitat Protection Plan, and/or Wildlife Movement Plan if the proposed activity would involve removal of native vegetation or "other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species." Although this proposed language intends to protect sensitive habitat, the proposed language is inconsistent with the certified LCP as it would only require plans to be submitted to protect limited vegetation. The certified LUP, however, contains policies 9-1, 9-16(a), 9-18, 9-22, 9-35, 9-36, and 9-42, which protect ESHA, wetlands, native grasslands, butterfly trees, oak trees, other native trees and vegetation, and stream corridors. The proposed amendment does not require a plan to protect streams and wetlands, and vegetation that is non-native may still be considered ESHA even if it does not have a "medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species." For instance, monarch butterfly trees are protected by LUP policy 9-22, but monarchs do not roost year-round in such trees. Therefore, the proposed amendment implies that non-native monarch butterfly trees would be allowed to be removed so long as monarch butterflies are not roosting in the trees at the time of application. Further, the proposed language only requires tree, habitat, and wildlife movement plans if the proposed development would directly remove such habitat; but the certified LCP protects ESHA, streams, and wetlands by regulating development adjacent to the habitat and by requiring habitat buffers (policies 2-11, 3-19, 9-9, 9-14, 9-23, and 9-37).

Additionally, the proposed amendment implies that commercial cannabis activities may be allowed in ESHA if a habitat protection plan is submitted. However, pursuant to Coastal Act 30240, as incorporated into the County's certified LCP, only resource-dependent uses are allowed within ESHA and only where avoidance of ESHA is not feasible and would result in a taking would development, such as commercial cannabis activities, be allowed. Therefore, Suggested Modification No. 3 is necessary to ensure that proposed commercial cannabis activities comply with the existing tree, ESHA, and buffer protection policies of the certified LCP and Coastal Act.

In addition, the proposed amendment requires applicants for any commercial cannabis activity that involves artificial lighting to submit a lighting plan for approval by the County. To ensure consistency with the existing lighting requirements of the certified LCP, Suggested Modification No. 3 is necessary to include the requirement that exterior lighting for commercial cannabis activities must be sited and designed to avoid light spill or other impacts to ESHA.

Water

The proposed amendment includes standards to ensure compliance of wastewater discharge and encourage efficient use of water for cannabis cultivation activities. This is consistent with LUP policies 2-2, 2-5, 2-11, 3-19, and 9-11, which ensure the integrity of the County's groundwater basins and protect the County's water quality from degradation due to polluted wastewater discharge, runoff, and erosion. The proposed amendment, however, only includes water efficiency and wastewater discharge standards for cultivation and does not include such standards for other cannabis activities such as manufacturing. Therefore, to ensure that such uses are consistent with the certified LUP regarding water use and water quality, Suggested Modification No. 3 includes water efficiency standards for manufacturing and the requirement that all commercial cannabis manufacturing operations on agriculture-zoned lots implement Best Management Practices to avoid water contamination, such as the proper use, storage, and disposal of chemicals, potential contaminants, waste, and wastewater that is used and produced the in the manufacturing process.

Cultural Resources

The development standards in the proposed amendment require archaeological and paleontological surveys to be conducted when commercial cannabis activities are proposed on lots that have not been subject to prior archaeological or paleontological surveys in accordance with the County's Cultural Resources Thresholds and Guidelines. While requiring surveys for archaeological and paleontological resources is consistent with the cultural resources protection policies of the LUP (policies 10-1, 10-2, 10-3, 10-5, HA-TC-1, HA-EGV-1.1, and HA-EGV-2.1), the County's Cultural Resources Thresholds and Guidelines document, which the subject amendment references, is outside of the County's certified LCP and is therefore not a standard of review for coastal development permits. Thus, the Commission finds that Suggested Modification No. 3 to this development standard is necessary to delete reference to the Thresholds and Guidelines document and include a reference to Section 35-65 (Archaeology), which is a provision of the certified IP/CZO.

4. Conclusion

For all of the reasons stated above, the Commission finds that the IP/CZO amendment, only as suggested to be modified, conforms with and is adequate to carry out the land, marine, and cultural resource protection policies of the certified Land Use Plan, as amended.

E. VISUAL RESOURCES AND PUBLIC ACCESS

1. Coastal Act Policies

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition

and development plans with the provision of onsite recreational facilities to serve the new development.

2. Applicable LUP Policies

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Policy 3-14 states:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

Policy 4-3 states:

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

Policy 4-6 states:

Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.

Policy 4-9 (View Corridor Overlay) states:

Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway #101, and shall be clustered to the maximum extent feasible.

Policy 4-10 (View Corridor Overlay) states:

A landscaping plan shall be submitted to the County for approval. Landscaping when mature, shall not impede public views.

Policy 4-11 (View Corridor Overlay) states:

Building height shall not exceed one story or 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in

greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.

Policy 7-1 states, in relevant part:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline...

Toro Canyon Plan Policy VIS-TC-1 states:

Development shall be sited and designed to protect public views.

Toro Canyon Plan Policy VIS-TC-2 states:

Development shall be sited and designed to be compatible with the rural and semi-rural character of the area, minimize impact on open space, and avoid destruction of significant natural resources.

Eastern Goleta Valley Community Plan Policy VIS-EGV-1.1 states:

Development should minimize impacts to open space views as seen from public vistas and scenic local routes and avoid impairment of significant visual resources.

Toro Canyon Plan DevStd PRT-TC-2.6 states:

Consistent with the Agricultural Element, all opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on-road development such as driveways along road shoulders with current or proposed trails.

Eastern Goleta Valley Community Plan Policy PRT-EGV-5.1 states:

In compliance with applicable requirements, all opportunities for public recreational trails within the general corridors adopted by the Board of Supervisors as part of the Parks, Recreation and Trails (PRT) maps of the County Comprehensive Plan (and this Community Plan) shall be protected, preserved and provided for upon approval of any development, subdivision and/or permit requiring any discretionary review or approval, except as referenced in Agricultural Element Policy IA.

Eastern Goleta Valley Community Plan Policy PRT-EGV-7.4 states:

To the greatest extent feasible, coastal access shall be maintained in a natural condition.

Eastern Goleta Valley Community Plan DevStd PRT-EGV-7A states:

(COASTAL) Opportunities for coastal public access shall be analyzed, considered, and maximized as feasible for any discretionary proposal within the coastal zone, including coastal development permit applications. Where the provision of public access is related and proportional to the impacts of the proposed development, the County shall require dedication of a public accessway or easement as a condition of permit approval for the development.

3. Consistency Analysis

Coastal Act Section 30251, as incorporated into the certified LUP, requires that the scenic and visual quality of coastal areas be protected and recognizes the public importance of these resources. Further, Section 30251 states that new development shall be sited and designed to protect views to and along the ocean and scenic coastal areas and to be visually compatible with the character of surrounding areas. In addition, the County's certified LUP contains numerous policies to protect visual resources within the coastal zone. Specifically, LUP Policies 3-14 and 4-3 relate to the siting and design of structures so that they are compatible with the character of the surrounding natural environment, designed to follow the natural contours of the landscape, and sited so as not to intrude into the skyline as seen from public viewing places. LUP Policy 4-6 regulates signage to prevent any potential adverse visual impacts to scenic areas and public roads. In addition, substantial areas south of Highway 101 are designated as View Corridors and are thus subject to specific policies regarding the protection of public views of the ocean from Highway 101 (LUP Policies 4-9, 4-10, 4-11). In addition, the Toro Canyon and Eastern Goleta Community Plans contain specific policies in order to protect the visual resources of those areas (Policies VIS-TC-1, VIS-TC-2, and VIS-EGV-1.1).

One of the fundamental objectives of the Coastal Act is the protection of public access and recreation opportunities along the coast. Among other public access provisions, the Coastal Act requires that development not interfere with the public's right of access to the sea (Section 30211) and provides that the location and amount of new development should maintain and enhance public access to the coast through various means, such as by providing adequate parking or public transportation to the development (Section 30252). The County's existing certified LCP includes a number of public access policies, including the public access and recreation policies of the Coastal Act which are incorporated into the LCP. The full text of the relevant policies is listed in subsections 1 and 2 above.

The proposed amendment includes requirements for fencing and landscaping as part of the application for a permit for a commercial cannabis activity. For example, an applicant for a permit to allow outdoor, mixed-light, or nursery cultivation must submit a fencing and security plan that demonstrates that the cultivation site is secure and screened. The proposed language for the fencing and security plan requirement states that, "Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards of this Section shall control." This statement, however, is not consistent with the visual resource or public access policies of the certified LCP. While it may be necessary to fence and properly secure cultivation sites for safety and security reasons, such fencing has the potential to block

views to the ocean and other coastal scenic areas, to otherwise adversely impact visual resources, and to block access to the shoreline and other recreational areas. Therefore, the Commission finds that it is necessary to modify the fencing and security plan requirement to delete language that states that that section shall control as well as add language to require security fencing measures to be sited and designed to avoid impacts to public access and minimize adverse impacts to visual resources. Additionally, the County has been implementing these standards in inland areas of the County and has identified that the way the fencing and security plan requirement is written is not clear enough and has resulted in cultivators erecting fences that are not visually compatible with the character of the surrounding area and do not minimize impacts to visual resources. Therefore, the County has requested that “Fencing and Security Plan” is changed to “Security Fencing Plan” in order to clarify that this requirement only pertains to the security of the site and not screening of the site. Therefore, Suggested Modification No. 3 is necessary to make these revisions in order for the proposed amendment to be consistent with the visual resource and public access policies of the LUP.

In addition to the security fencing requirement, all applicants for cannabis cultivation must submit a landscape and screening plan to screen the proposed cultivation activities. The intent of this requirement is to screen cultivation so that it is not seen from public places to the maximum extent feasible. However, as proposed, it is unclear if all applicants must submit a landscape and screening plan even if the site cannot be seen from public viewing areas. Additionally, landscape screening should not substitute for good siting and design of development in order to avoid being seen from public areas, or at least minimize impacts to public views of the ocean and other scenic areas. Therefore, the Commission finds that it is necessary to modify the landscape and screening plan requirements to include language that requires commercial cannabis activities to be sited and designed to minimize adverse impacts to visual resources and require applicants to submit such plans only if it is infeasible to site and design the proposed development to avoid being seen from public places.

Although outdoor cultivation is proposed to be allowed in the rural areas of the County, the potential for increased development of greenhouses and other structures remains, which may ultimately result in cumulative impacts to visual resources, especially in remarkably scenic areas, such as the Gaviota Coast, where the certified LCP does not contain absolute limitations on the number and size of greenhouses. Therefore, the Commission finds that it is necessary to require applicants for commercial cannabis activities outside of the boundaries of the Carpinteria Agricultural Overlay District to submit view impact studies that analyze the individual and cumulative visual impacts of the proposed structure or structures along with existing structures as seen from public viewing areas.

In addition, the proposed amendment requires applicants for cultivation to prepare and submit a Site Transportation Demand Management Plan in order to reduce vehicle trips generated by the cultivation. Such plans must include at least one method listed in the requirement to reduce vehicle trips, such as providing shared parking areas for ridesharing on large and/or rural lots. While this requirement, which is intended to reduce greenhouse gas emissions associated with cannabis cultivation, is beneficial, such a requirement can protect public parking areas as well, and commercial cannabis operations should be required to provide adequate parking or other means of serving the development consistent with Section 30252 of the Coastal Act, as

incorporated into the County's LUP. While providing adequate parking on site is one way for a proposed development to avoid impacting on-street parking or other public parking areas, requiring onsite parking for commercial cannabis activities could potentially impact prime soils on agricultural properties in the County. Therefore, a combination of methods to reduce vehicle trips generated by the cannabis activity should be implemented in order to avoid impacts to prime soils and on-street parking to the maximum extent feasible. Thus, it is necessary to modify the Site Transportation Demand Management Plan requirement to require that a combination of methods be included to reduce vehicle trips generated by the commercial cannabis activity. Additionally, the proposed amendment only requires submittal of a Site Transportation Demand Management Plan for cultivation. However, this plan should be required for manufacturing and distribution as well. Therefore, Suggested Modification No. 3 is necessary to include these requirements in the development standards for manufacturing and distribution.

4. Conclusion

For all of the reasons stated above, the Commission finds that the IP/CZO amendment, only as suggested to be modified, conforms with and is adequate to carry out the visual resource and public access protection policies of the certified Land Use Plan.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Additionally, Santa Barbara County prepared an EIR for the Cannabis Regulations, dated December 2017.

Nevertheless, the Commission is required, in approving an LCP submittal to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b).

The County's LCP amendment consists of an IP amendment. As discussed above, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the certified LUP. The Commission has, therefore, suggested modifications to the proposed IP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP

amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP amendment into conformity with the LUP consistent with the requirements of the Coastal Act.

Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

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W17c

LOCAL COASTAL PROGRAM AMENDMENT

NO. LCP-4-STB-18-0039-1-PART C

(CANNABIS REGULATIONS)

SEPTEMBER 27, 2018

EXHIBITS

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SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE**LCP Amendment 4-STB-18-0039-1-Part C
(Cannabis Regulations)**

The County's proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in underline and ~~strikeout~~. Language recommended by Commission staff to be deleted is shown in ~~double-strikeout~~. Language recommended by Commission staff to be inserted is shown in double underline. Text that describes other changes to the LCP Amendment is shown in *italics*.

SUGGESTED MODIFICATION NO. 1*SECTION 1:*

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add the following, new definitions of terms regarding "Cannabis" to Section 35-58 titled "Definitions," in alphabetical order, and delete the terms "Medical Marijuana" and "Medical Marijuana Dispensary," as follows:

Cannabis: All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended. Additionally, the following terms are defined for the purposes of Section 35-144U (Cannabis Regulations):

- a. **Canopy.** The designated area(s) at a licensed premises, except nurseries, that will contain mature flowering plants at any point in time, as follows:
 1. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature flowering plants at any point in time, including all of the space(s) within the boundaries;
 2. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
 3. If mature flowering plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- b. **Commercial cannabis activity.** Any activity, recreational or medicinal, ~~including~~ that includes the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling,

transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter. “Commercial cannabis activity” does not include personal use.

- c. **Commercial cannabis operation.** Any person or entity that engages in commercial cannabis activities.
- d. **Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation as follows:
 - 1) **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.
 - 2) **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.
 - 3) **Mixed-light cultivation.** The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.
- e. **Distribution.** The procurement, wholesale, and transport of cannabis and cannabis products between licensees.
- f. **Distributor.** A facility used for the storage and distribution of cannabis and cannabis products.
- g. **Manufacturing.** All aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
- h. **Microbusiness.** Permit by an owner or entity to engage in three of the four following types of cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permittees must demonstrate compliance with all requirements imposed by this Article on cultivators, distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.
- i. **Nonvolatile Manufacturing.** Manufacturing using any solvent in the extraction process that is not a volatile solvent, mechanical extraction, and infusions. For purposes of this Section, nonvolatile solvents include, but are not limited to, carbon dioxide and ethanol.

- j. **Nursery.** A nursery only produces clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.
- k. **Personal Use.** The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for ~~their~~ his or her qualified patient(s) in accordance with State law.
- l. **Private residence.** A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, or other similar dwelling.
- m. **Premises.** The designated structure or structures and land specified in the state application that is owned, leased, or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be ~~subject to~~ occupied by one ~~state~~ licensee.
- n. **Processing.** All activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.
- o. **Retail.**
 - i. **Non-Storefront Retailer.** Delivery-only retail of commercial cannabis or cannabis products. Those who conduct non-storefront retail are referred to as Non-Storefront Retailer.
 - ii. **Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premises, which is a physical location from which commercial cannabis activities are conducted. A retailer's premises may be closed to the public. A Storefront retailer may also conduct some sales by delivery.
- p. **Testing.** An accredited laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.
- q. **Volatile Manufacturing.** Manufacturing using any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

Medical Marijuana: ~~Shall mean marijuana, as set forth in the California Health and Safety Code Section 11018 (as that Section now appears and may be amended or renumbered) as used for medical purposes, in compliance with Health and Safety Code Section 11362.5 et seq.~~

~~**Medical Marijuana Dispensary:** A facility or location that dispenses marijuana through a storefront, including but not limited to storefronts organized and operated by a collective or a cooperative as defined by the 2008 California Attorney General Guidelines or its successor.~~

~~**a. Medical Marijuana Cooperative.** Shall mean a statutory Cooperative which conducts its business for the mutual benefit of its members, must file articles of incorporation, is a non-profit entity, and is subject to all legal requirements of a statutory Cooperative, as outlined in the California Corporations Code or Food and Agricultural Code.~~

~~**b. Medical Marijuana Collective.** Shall mean a non-profit organization, with five or more members, which exists merely to facilitate the collaborative efforts of Qualified Patient, Persons with ID Card, and Primary Caregiver members and to coordinate transactions between members involving Medical Marijuana.~~

SUGGESTED MODIFICATION NO. 2

SECTION 2:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-68.3 Permitted Uses, Section 35-68.4 Uses Permitted with a Major Conditional Use Permit, and Section 35-68.5 Uses Permitted with a Minor Conditional Use Permit, of Section 35-68 AG-I - Agriculture I, to read as follows:

Section 35-68.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as

provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply.

6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
8. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot.
- ~~9. Homestays, subject to the provisions of Section 35-144S (Homestays).~~
- ~~109.~~ One Attached Accessory Dwelling Residential Second Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of Section 35-142 (Accessory Dwelling Residential Second Units).
- ~~110.~~ Special Care Homes, subject to the provisions of Section 35-143.4 (Community Care Facilities).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
12. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
13. Cannabis, Distribution, subject to the provisions of Section 35-144U.
14. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
15. Uses, buildings and structures accessory and customarily incidental to the above uses.

Section 35-68.4 Uses Permitted with a Major Conditional Use Permit

1. Commercial raising of animals, boarding of animals, and commercial riding stables.
2. Animal hospitals, and animal husbandry services.
3. Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:

- a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
- b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
- c. The primary intent of the development of this facility shall be to serve south coast agriculture,
- d. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands,
- e. The facility processes products grown on the premises or on other local agricultural lands,
- f. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Section 35-68.4 of this Article,
- g. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible, and
- h. All applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No Conditional Use Permit shall be required under this section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

4. ~~Farm labor camps~~ Agricultural employee dwellings, including trailers, for providing housing for five or more employees engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 in compliance with Section 35-144R (General Regulations Agricultural Employee Dwellings).
5. Within the Carpinteria Agricultural Overlay District, greenhouses and greenhouse related development of any size on slopes between five and 10 percent. No exception to this requirement, such as that stated under subsection (3) above, shall apply.
6. Cannabis, Volatile Manufacturing, subject to the provisions of Section 35-144U.

SECTION 3:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-69.3 Permitted Uses, and Section 35-69.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-69 AG-II - Agriculture II, to read as follows:

Section 35-69.3 Permitted Uses.

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.
2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
3. Commercial boarding of animals.
4. Private and/or commercial kennels.
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
6. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot.
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans).
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).
10. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot.
11. Special Care Homes, subject to the provisions of Section 35-143~~4~~ (Community Care Facilities).
12. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).

~~123.~~ Uses, buildings and structures accessory and customarily incidental to the above uses.

~~134.~~ Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.

~~145.~~ Cannabis, Distribution, subject to the provisions of Section 35-144U.

~~156.~~ Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

Section 35-69.4 Uses Permitted With a Major Conditional Use Permit.

1. Animal hospitals and clinics.
2. Low-intensity recreational development such as hiking trails, public riding stables, recreational camps, campgrounds, retreats, and guest ranches, provided that such development:
 - a. Is in character with the rural setting,
 - b. Does not interfere with agricultural production on or adjacent to the lot on which it is located,
 - c. Does not include commercial facilities open to the general public who are not using the recreational facility, and
 - d. Does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
3. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises, provided:
 - a. The winery is located on premises used for vineyard purposes,
 - b. The winery is operated in connection with the processing of wine grapes grown on the premises, and
 - c. Retail sales of wine grape products shall be limited to those processed on the premises.
4. Facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
 - a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),

- b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
 - c. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands, and
 - d. The facility processes products grown on the premises or on other local agricultural lands.
5. Piers and staging areas for oil and gas development subject to the regulations in DIVISION 9, OIL AND GAS FACILITIES.
 6. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
 7. Sorting, cleaning, and further breaking and storing of abalone shells landed live in Santa Barbara County, preparatory to shipment in their natural form.
 8. ~~Farm labor camps~~ Agricultural employee dwellings, including trailers, ~~for providing housing for five or more employees in compliance with Section 35-144R persons engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations-Agricultural Employee Dwellings).~~
 9. Exploration and production of offshore oil and gas reservoirs from onshore locations, including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Las Flores Canyon Consolidated Oil and Gas Processing Site, subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
 10. Consolidated pipeline terminal, subject to being designated for such use in Policy 6-13A and B of the Coastal Plan and the requirements set forth in DIVISION 9, OIL AND GAS FACILITIES.
 11. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.
 12. Cannabis, Volatile Manufacturing, subject to the provisions of Section 35-144U.

SECTION 4:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-77A.3 Permitted Uses, and Section 35-77A.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-77A C-1 - Limited Commercial, to read as follows:

Section 35-77A.3 Permitted Uses.

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning sub-stations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Child Care Facilities.
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.
10. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
101. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration, pursuant to Section 35-179C (Use Determinations).
112. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
- ~~12. Short Term Rentals subject to the provisions of Section 35-144T (Short Term Rentals).~~
13. Cannabis, Retail, subject to the provisions of Section 35-144U.
14. Cannabis, Testing, subject to the provisions of Section 35-144U.

15. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
 - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

Section 35-77A.4 Uses Permitted with a Major Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed, soundproofed building designed to eliminate outdoor odor and reduce the level of noise from such animals to the extent that adjacent residential properties will not be adversely affected in any way by noise or odors.
2. Hotels and motels.
3. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.

SECTION 5:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-78.3 Permitted Uses, and Section 35-78.5 Uses Permitted with a Minor Conditional Use Permit, of Section 35-78 C-2 - Retail Commercial, to read as follows:

Section 35-78.3 Permitted Uses.

1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls.
2. Automobile service station, provided no gasoline is stored above ground.
3. New and used automobile and machinery sales, leases and rentals.
4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards.
5. Retail stores, shops, or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery, and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores, and the like.

6. Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, copy shops, radio and TV repair shops, etc.
7. Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge.
8. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.
9. Business, professional, and trade schools.
10. Hotels and motels.
11. Automobile parking lot.
12. Golf course, miniature or practice range.
13. Nursery.
14. Outdoor restaurant, cafe, or tea room.
15. Music recording studio.
16. Indoor theater.
17. Community non-profit recycling facility.
18. Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses.
19. Any other light commercial use which the Planning Commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, danger to life or property, or other similar causes, pursuant to Section 35-179C (Use Determinations).
- ~~20. Short Term Rentals subject to the provisions of Section 35-144T (Short Term Rentals)~~
- ~~210.~~ Spas or health clubs.
- ~~221.~~ Non-Residential Child Care Center, pursuant to Section 35-143.3.
- ~~232.~~ Cannabis, Retail, subject to the provisions of Section 35-144U.
- ~~243.~~ Cannabis, Testing, subject to the provisions of Section 35-144U.
- ~~254.~~ Accessory uses, buildings, and structures, which are customarily incidental to any of the

above uses provided:

- a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments, and provided further that there shall be not more than five persons engaged in any such manufacture, processing, or treatment of products.
- b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life or property, or other similar causes.

Section 35-78.4 Uses Permitted With a Major Conditional Use Permit.

1. Amusement enterprises conducted partially or wholly outdoors.
2. Bus terminal.
3. Outdoor theater.
4. Swap meet.
5. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.

SECTION 6:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-83.4 Permitted Uses, of Section 35-83 PI - Professional and Institutional, to read as follows:

Section 35-83.4 Permitted Uses.

1. Professional offices, studios, and office buildings.
2. Hospitals, sanitariums, medical clinics, special care homes, and similar buildings, when used for the treatment of human ailments, subject to the approval as to need of the Santa Barbara Subarea Advisory Counsel of the Health Systems Agency, Ventura-Santa Barbara.
3. Eleemosynary and philanthropic institutions for human beings.
4. Churches, libraries, museums, and schools, including business schools, but not including dance halls nor trade schools using heavy equipment.
5. Community, civic center, and governmental buildings and structures.
6. Clubs, golf courses, and country clubs.
7. Cemetery, crematory, or mausoleums.
8. Off-street parking facilities accessory and incidental to an adjacent commercial use.

9. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.
10. Athletic clubs.
11. Banks and savings and loans offices.
12. Any other professional or institutional use which the Planning Commission finds is similar in character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, smoke, vibration, danger to life or property, or other similar causes.
13. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-83 when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
14. Cannabis, Testing, subject to the provisions of Section 35-144U.
15. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 7:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-84.4 Permitted Uses, of Section 35-84 M-RP - Industrial Research Park, to read as follows:

Section 35-84.4 *Permitted Uses.*

1. Manufacturing and assembly of business machines including electronic data processing equipment, accounting machines, calculators, typewriters, and related equipment.
2. Manufacture of ceramic products, such as pottery, figurines and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas.
3. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.
4. Manufacture, design, and production of handicraft articles, musical instruments, toys, jewelry, and novelties.
5. Assembly of electrical appliances, electronic instruments, and devices, and radio, phonograph, and television sets, including the manufacture of small parts only, such as

coils, condensers, transformers, and crystal holders.

6. Printing, embossing, engraving, etching, lithographic, and bookbinding plants.
7. Experimental photo or motion picture film, research, and testing laboratories.
8. Scientific instrument and equipment manufacture or precision machine shops.
9. Manufacture of optical goods.
10. Packaging business.
11. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district.
12. Storage warehouse and wholesale distributing.
13. Research, development, and testing laboratories and facilities.
14. Any other light industrial use, building, or structure which the Planning Commission finds is of similar character to those enumerated in this district and is not obnoxious or offensive because of noise, odor, dust, smoke, vibration, danger to life or property, or similar causes, pursuant to Section 35-179C (Use Determinations).
15. Aquaculture subject to the provisions of Section 35-136 (General Regulations).
16. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including drug stores, convenience markets, barber shops, shoe repair, dry cleaners, banks, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.
17. Light recreational uses and facilities such as tennis courts, gymnasium, racquetball courts which are operated only for the use of the employees in the industrial research park.
18. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-84.4, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
19. Emergency Shelter.
20. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
21. Cannabis, Distribution, subject to the provisions of Section 35-144U.
22. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

23. Cannabis, Testing, subject to the provisions of Section 35-144U.

24. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses.

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-144I Medical Marijuana Dispensaries, and reserve the Section number for future use.

Section 35-144I. Reserved for Future Use. ~~Medical Marijuana Dispensaries.~~

~~Medical Marijuana Dispensaries prohibited. Medical Marijuana Dispensaries are not allowed in any zone district and shall not be considered a similar use under Division 4, Zone Districts (Sections 35-68 through 35-93A).~~

SUGGESTED MODIFICATION NO. 3

SECTION 9:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add new Section 35-144U Cannabis Regulations, to read as follows:

Section 35-144U. Cannabis Regulations

A. Purpose and applicability.

- 1. Purpose.** This Section establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales.
- 2. Applicability.** The standards of this Section shall apply to all commercial cannabis activities, as defined in Division 2 (Definitions), and as may be permitted in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone Table in this Section, for the listed zones, in addition to all other applicable requirements of this Article. Commercial cannabis activities shall only be permitted in the AG-I, AG-II, C-1, C-2, PI, and M-RP zoning districts in compliance with Division 4 (Zoning Districts) and the Allowed Cannabis Uses and Permit Requirement by Zone Table in this Section. If conflicts occur between the provisions and requirements of this Section and any other provision of the Local Coastal Program, the provisions and requirements that are most protective of coastal resources shall control. Commercial cannabis activities

shall also comply with the following:

- a. All commercial cannabis activities shall comply with the provisions of this Section, as well as all applicable State laws.
 - b. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance.
 - c. Nothing in this Section is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable County zoning and land use regulations, as well as other applicable provisions of the County Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
 - d. All persons operating facilities and conducting commercial cannabis activities, as defined in this Section, are subject to possible Federal prosecution, regardless of State licensure. Any land use or other entitlement from the County does not assert or provide any Federal protections.
 - e. The provisions of this Section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis, and/or any other cannabis activity.
3. Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. The Board of Supervisors retains all of its statutory planning and zoning authority concerning cannabis activities. For example, even if the Ordinance (Case No. 17ORD-00000-00010) adding this section becomes operative, the Board of Supervisors still may take action(s) later to change the zoning of cannabis activities to being prohibited. Changing the zoning of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning of cannabis activities to being prohibited and may need to

do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

B. Allowed uses and permit requirements.

1. Permit requirement for commercial cannabis activities.

a. Commercial cannabis activities may only occur in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone table, and in Division 4 Zoning Districts, in this section. The required permit shall be obtained prior to the commencement of the cannabis activity. All conditions of the permit for the cannabis activity shall be satisfied prior to the commencement of the cannabis activity or as otherwise specified in the conditions of the permit.

b. In addition to obtaining a permit from the County as required in a above, permittees of commercial cannabis activities must also obtain and maintain in good status a valid County business license, as required by the County Code, and a valid State cannabis license, as required by the California Business and Professions Code.

2. Cultivation for personal use allowed. The cultivation of cannabis for personal use is allowed without a land use entitlement, provided that it complies with the following standards:

a. Only adults 21 years or older may cultivate cannabis for personal use.

b. Cultivation of cannabis for personal use shall only occur within:

(1) A legally established, secure dwelling, or

(2) An enclosed, legally established, secure building that is accessory to a dwelling.

Outdoor cultivation is prohibited.

c. Possession, storage, and/or cultivation of cannabis shall only be exclusively for the cultivator's personal use, and the cannabis shall not be provided, donated, sold, and/or distributed to any other person, except as allowed by and as described in the State law and the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis.

d. Personal cultivation of cannabis is limited to six plants per legally established dwelling, unless otherwise allowed by State law in the Compassionate Use Act for medicinal cannabis.

e. The area dedicated to cultivation shall not be located in an area that is

designated for a use that is required in order to comply with a regulation of this ordinance (e.g., in a garage if the growing area would occupy required parking spaces for the residential use of the property).

f. None of the cannabis cultivation or consumption activities shall be detectable (e.g., due to odor or lighting) outside of the dwelling or building in which the activities occur.

3. Noticing for Commercial Cannabis Activities. Entitlements for commercial cannabis uses and/or development shall be subject to the applicable noticing requirements set forth in Chapter 35-181 (Noticing), except that a mailed notice regarding a pending action or hearing regarding a commercial cannabis entitlement shall be provided to all owners of property located within a 1,000-foot radius of the exterior boundaries of the subject lot.

4. **Permit Requirements for commercial cannabis activities.** The below tables identifies* the commercial cannabis land uses allowed by this ~~Development Code~~ Article in each zone, and the planning permit required to establish each use. The table provides for land uses that are:

a. Allowed subject to compliance with all applicable provisions of this Article and subject to first obtaining a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) as applicable. Permitted uses are shown in the table as either “PP,” which denotes a Principal Permitted Use or “P,” which denotes a non-Principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).

b. Allowed subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and shown as "CUP" uses in the table. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Major Conditional Use Permit.

c. Not allowed in particular zones and shown as "—" in the table.

<u>Allowed Cannabis Uses and Permit Requirement by Zone</u>	<div> <div>PP</div> <div>Principal Permitted Use, Coastal Development Permit required</div> </div> <div> <div>P</div> <div>Permitted use, Coastal Development Permit required</div> </div> <div> <div>MCUP</div> <div>Minor Conditional Use Permit required</div> </div> <div> <div>CUP</div> <div>Major Conditional Use Permit required</div> </div> <div> <div>S</div> <div>Permit determined by Specific Use Regulations</div> </div> <div> <div>=</div> <div>Use Not Allowed</div> </div>					
	<u>PERMIT REQUIRED BY ZONE</u>					
<u>LAND USE (1)</u>	<u>AG-I</u>	<u>AG-II</u>	<u>C-1</u>	<u>C-2</u>	<u>PI</u>	<u>M-RP</u>

CANNABIS CULTIVATION AND MICROBUSINESS						
<u>Outdoor Cultivation</u>	<u>PP(2)(4)(5)(7)</u>	<u>PP(2)(4)(8)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)</u>
<u>Mixed-light Cultivation</u>	<u>PP(2)(5)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)</u>
<u>Indoor Cultivation</u>	<u>PP(2)(5)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)</u>
<u>Nursery Cultivation</u>	<u>PP(2)(5)(9)</u>	<u>PP(2)(9)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)(9)</u>
<u>Microbusiness</u>	<u>==</u>	<u>CUP(2)(6)</u>	<u>CUP(2)</u>	<u>CUP(2)</u>	<u>==</u>	<u>==</u>
CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING						
<u>Distribution</u>	<u>P(2)(3)</u>	<u>P(2)(3)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>
<u>Manufacturing, Nonvolatile</u>	<u>P(2)(3)</u>	<u>P(2)(3)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>
<u>Manufacturing Volatile</u>	<u>CUP(2)(3)</u>	<u>CUP(2)(3)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
<u>Testing</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>PP(2)</u>
CANNABIS RETAIL						
<u>Non-Storefront Retailer</u>	<u>==</u>	<u>P(2)=</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>
<u>Retail</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>
Notes:						
(1) See Section 35-58 (Definitions) for land use definitions.						
(2) The cannabis operation premises shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premises, without regard to intervening structures.						
(3) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation.						
(4) RESERVED Outdoor cultivation is not allowed within one mile of an Urban Rural boundary.						
(5) Commercial cannabis cultivation on lots located in an Existing Developed Rural Neighborhood (EDRN), or commercial cannabis cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the lot on which cultivation will occur, require a CUP.						
(6) Microbusiness - only allows non-storefront retail.						
(7) Outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.						
(8) Outdoor cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.						
(9) Nurseries shall not be located within 600 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, as measured from (1) the premises of the nursery, to (2) the property line of the lot on which a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, is located.						

C. **General commercial cannabis activities development standards.** In addition to other application requirements and development standards required by this Article, the following surveys and plans shall be submitted as part of an application for a commercial cannabis activity, and the proposed commercial cannabis activity shall comply with all of the following additional development standards, where applicable.

- 1. Archaeological and paleontological surveys.** When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys in accordance with Section 35-65 (Archaeology) ~~the County's current Cultural Resource Guidelines~~, the applicant shall provide a Phase 1 cultural resource study documenting the absence or presence of cultural resources in the project area. If current or previously conducted Phase 1 studies indicate that archaeological or other cultural sites are located in the project area, the applicant shall prepare and submit to the Department for review and approval documentation demonstrating that the resources shall be protected in accordance with Section 3.10 of

- the Coastal Land Use Plan as well as any additional applicable cultural resource protection policies. All required studies shall be prepared in accordance with the requirements of Section 35-65 (Archaeology) ~~the most current County of Santa Barbara Cultural Resources Thresholds and Guidelines~~, and shall be submitted to the Department for review and approval. Impacts to significant cultural resources shall be mitigated to the maximum extent feasible, including the following measures:
- a. In accordance with Coastal Land Use Plan and other applicable cultural resource protection policies, cannabis development (e.g., buildings, grading, and trenching for utilities) shall be located in areas on a lot that would avoid impacts to significant archaeological and historic resources to the maximum extent feasible.
 - b. As necessary, additional studies (i.e., Phase 1 inventory, Phase 2 significance and impact assessment, and Phase 3 mitigation) shall be conducted at the expense of the applicant.
 - c. If significant cultural resources are located within 60 meters (200 feet) of ground disturbing activities, the resource shall be fenced and appropriately protected during grading and construction. For any work conducted within an prehistoric or ethnohistoric period archaeological site, the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American observer as applicable.
 - d. An educational workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.
- 2. Security Fencing and Security Plan.** Security fencing measures for commercial cannabis activities shall be sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources. The applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Security Fencing and Security Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to Section 35-123 (Fences, Walls and Gate Posts), as well as all other resource protection provisions of this Article and all applicable Community and Area Plans. ~~Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards in this Section shall control.~~ The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Security Fencing and Security Plan shall include the following:
- a. The Security Fencing Plan shall depict typical fencing details, including location, fence type, and height.
 - b. All fencing and/or walls shall be made out of material that blends into the

surrounding terrain and shall minimize any visual impacts.

- c. Where fencing would separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.
 - d. Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.
 - e. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.
 - f. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.
 - g. Evidence that the proposed security fencing has been sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources.
3. **Landscape Plan and Screening Plan.** Commercial cannabis activities shall be sited and designed to minimize adverse impacts to visual resources. Landscape screening shall not substitute for siting and design alternatives that avoid or minimize adverse impacts to public views of the ocean and other scenic areas. If it is infeasible to site and design the proposed cannabis cultivation activity to avoid being seen from public places, the applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation as part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, and shall comply with Section 35-115 (Landscape/Screening of Parking Areas), Section 35-123 (Fences, Walls and Gate Posts), and the standards listed below, as well as all other resource protection provisions of this Article and all applicable Community and Area Plans. The Landscape Plan and Screening Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:
- a. Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and on-site parking areas from the nearest public road(s) and other public viewing areas.
 - b. All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for the cultivation activities.

- c. Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed consistent with the project plans and adequately maintained for two years.
 - d. If, due to site-specific conditions (e.g., slopes), an applicant believes that screening cannot be fully achieved, the applicant shall submit a Landscape Plan and Screening Plan showing what portion can be screened and written documentation, which sets forth the reasons other portions cannot be screened.
 - e. All landscaping and screening shall minimize adverse impacts to visual resources.
4. **Lighting Plan.** Exterior lighting for commercial cannabis activities shall be sited and designed to avoid impacts to biological resources. The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval. The standards of this Section shall be in addition to Section 35-139 (Exterior Lighting), Section 35-68.13 (Findings for Major Conditional Use Permit for Greenhouse Development), Section 35-102F (CA - Carpinteria Agricultural Overlay District) and all other applicable Sections. Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards that are most restrictive shall control. The Lighting Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Lighting Plan shall include the following:
- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community and Area Plans.
 - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.
 - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.
 - d. Lighting is prohibited in hoop structures.
 - e. Lighting is sited and designed to avoid light spill or other impacts to ESH.
 - f. If, due to site-specific conditions, an applicant believes that a Lighting Plan is not necessary, the applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons. The

Department shall review the written documentation and determine whether a Lighting Plan must be submitted with the application for the cannabis activity.

5. **Noise Plan.** The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project as applicable. The Noise Plan shall demonstrate compliance with the following standards:
 - a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.
 - b. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.
 - d. The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.
 - e. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.
6. **Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), processing, microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required on lots zoned AG-II, unless a Conditional Use Permit is required. The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. The Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following:
 - a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
 - b. A description of the specific odor-emitting activity(ies) that will occur.
 - c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
 - d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
 - e. Approved odor control systems, subject to certification as required in

Subsection d above, may include, but are not limited to:

- 1) Activated carbon filtration systems.
 - 2) Vapor-phase systems. Vapor-phase systems must comply with the following:
 - a) The resulting odors must be odor-neutralizing, not odor-masking.
 - b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
 - c) Use of these systems must have supporting documentation which meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.
 - 3) Other odor controls systems or project siting practices that demonstrate effectiveness in controlling odors.
- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:
- 1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - 2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for odor complaints. The operator is required to immediately notify the County of any changes to the local contact.
 - 3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.
 - 4) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
 - 5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis ~~operation~~ activity, and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of

five years.

- g. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
 - h. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35-144U.C.7. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).
7. **Signage.** All signs shall comply with Chapter 35-138 (Sign and Advertising Structures) and all applicable Community and Area Plans.
8. **Tree Protection, Habitat Protection, and Wildlife Movement Plans.** All commercial cannabis activities shall comply with the tree and habitat protection policies and standards set forth in this Article, all applicable Community and Area Plans, and the Coastal Land Use Plan. Commercial cannabis activities shall be sited and designed to avoid environmentally sensitive habitat (ESH) and ESH buffers. If avoidance of ESH is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected and impacts shall be mitigated. Commercial cannabis activities shall also be sited and designed to avoid native trees and wildlife movement areas to the maximum extent feasible. The applicant for any cannabis permit for a site that would involve impacts to ~~the removal of native trees, wildlife movement areas, or ESH, including impacts due to fuel modification, vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species,~~ shall prepare and submit to the Department for review and approval a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan in accordance with Appendix G: Cannabis Activities Additional Standards. The Tree Protection, Habitat Protection, and Wildlife Movement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. Commercial cannabis activities in areas adjacent to ESH areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.
9. **View Impact Study.** The applicant for a commercial cannabis activity outside of the boundaries of the Carpinteria Agricultural Overlay District shall prepare and submit to the Department a view impact study that analyzes the individual and cumulative

visual impacts of the proposed structure(s) along with existing structures as seen from public viewing areas. Commercial cannabis activities shall be sited and designed to minimize adverse impacts to visual resources. Landscape screening shall not substitute for siting and design alternatives that minimize adverse impacts to public views of the coast, ocean and other scenic areas.

- 10. Carpinteria Agricultural Overlay District.** All structures for commercial cannabis activities, including accessory structures, within Area A and Area B of the Carpinteria Agricultural Overlay District shall comply with the standards of Section 35-102F (CA - Carpinteria Agricultural Overlay District).

- D. Specific use development standards.** All commercial cannabis activities shall comply with the following development standards specific to the applicable permit type.

1. Cultivation.

- a. ~~AG-I Lots 20 acres or less; Lots zoned AG-I-5; and/or Lots zoned AG-I-10.~~** Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited ~~on lots zoned AG-I that are 20 acres or less in size; lots zoned AG-I-5; and/or lots zoned AG-I-10~~ within one mile of an Urban Rural boundary. Indoor and mixed-light cultivation shall be located in existing structures to the maximum extent feasible. No more than 186 acres of cannabis cultivation, nurseries, and microbusinesses with cultivation shall be allowed at any one time within the boundaries of Area A and Area B of the Carpinteria Agricultural Overlay District, as implemented through the Cannabis Business License Ordinance.

- b. Avoidance of prime soils.** All structures for cannabis cultivation ~~operations~~ activities, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and nonprime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.

~~Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.~~ **c. Cannabis cultivation within an Existing Developed Rural Neighborhood (EDRN).** Cultivation within an EDRN, or cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the cultivation lot, shall require approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in Section 35-172.8 (Findings Required for Approval).

- d. Cannabis Waste Discharge Requirements General Order.** The applicant

shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.

e. Hoop structure lighting. Lighting shall be prohibited in hoop structures.

f. M-RP zone requirements. Cultivation shall only occur indoors on a lot zoned M-RP (Industrial Research Park).

g. Mixed-light cultivation lighting requirements. Lighting due to cannabis activities that are subject to mixed-light cultivation licenses shall not be visible outside of the structure in which the lighting is located between sunset and sunrise.

h. Public Lands. No cannabis cultivation shall be permitted on public lands.

i. Post-processing and packaging. Post-processing and packaging of cannabis products shall be considered accessory uses to the cultivation ~~operation~~ activity(s) when processed on the same lot.

j. Site Transportation Demand Management Plan. The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Transportation Demand Management Plan shall include ~~at least one~~ a combination of the following methods to reduce vehicle trips generated by the cultivation ~~operation~~ activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:

1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.

2) Provide shared parking areas for ridesharing on large and/or rural lots.

3) Provide bicycle storage/parking facilities.

4) Provide incentives to employees to rideshare or take public transportation.

5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.

k. Water efficiency for commercial cannabis activities. To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:

- 1) Evaporative barriers on exposed soils and pots.
- 2) Rainwater capture and reuse.
- 3) Recirculated irrigation water (zero waste).
- 4) Timed drip irrigation.
- 5) Soil moisture monitors.
- 6) Use of recycled water.

l. On lots zoned AG-I, outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.

m. Outdoor cultivation on lots zoned AG-II located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary, shall require approval of a Conditional Use Permit.

3. Distribution.

a. Cultivation limits. Distribution on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:

- 1) A minimum of 10% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur. Within the Gaviota Coast Plan Overlay District, a minimum of 51% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur. For all areas of the County, all other cannabis products shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
- 2) Distribution shall be subordinate and incidental to the cultivation use of the lot, and the area designated for distribution shall occupy a smaller footprint than the area that is designated for cultivation on the lot. Distribution shall be located in existing structures to the maximum extent feasible.

- 3) All structures for cannabis distribution that are located on lots that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and nonprime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.

b. Site Transportation Demand Management Plan. The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the distribution activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:

- 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.
- 2) Provide shared parking areas for ridesharing on large and/or rural lots.
- 3) Provide bicycle storage/parking facilities.
- 4) Provide incentives to employees to rideshare or take public transportation.
- 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.

4. Manufacturing.

a. Cultivation limits. Manufacturing (volatile and non-volatile) on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:

- 1) A minimum of 10% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur. Within the Gaviota Coast Plan Overlay District, a minimum of 51% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur. For all areas of the County, all other cannabis products shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).

- 2) Manufacturing shall be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing shall occupy a smaller footprint than the area that is designated for cultivation on the lot. Manufacturing shall be located in existing structures to the maximum extent feasible.
 - 3) All structures for cannabis manufacturing that are located on lots that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and nonprime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.
- b. Home Occupation.** No cannabis manufacturing shall be permitted as a Home Occupation including Cottage Food Operations and In-home Retail Sales in accordance with Section 35-121 (Home Occupations).
- c. Volatile Manufacturing Employee Training Plan.** The applicant shall prepare and submit to the Department for review and approval a Volatile Manufacturing Employee Training Plan. The Volatile Manufacturing Employee Training Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Volatile Manufacturing Employee Training Plan shall include, at a minimum, the following elements:
- 1) Training employees on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure.
 - 2) A log, identifying trained employees and the date upon which training was completed. The operator shall maintain the Employee Training Log for a minimum of five years.
- d. Volatile and Non-volatile Manufacturing Best Management Practices.** The commercial cannabis operation shall implement all necessary Best Management Practices to avoid soil and water contamination, including, but not limited to, the proper use, storage, and disposal of the chemicals, potential contaminants, waste, and wastewater used and produced in the manufacturing process.
- e. Site Transportation Demand Management Plan.** The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Transportation Demand Management Plan shall include a combination of the following

methods to reduce vehicle trips generated by the manufacturing activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:

- 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.
- 2) Provide shared parking areas for ridesharing on large and/or rural lots.
- 3) Provide bicycle storage/parking facilities.
- 4) Provide incentives to employees to rideshare or take public transportation.
- 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.

f. Water efficiency for commercial cannabis activities. To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis manufacturing activity. These features may include, but are not limited to:

- 1) Rainwater capture and reuse.
- 2) Use of recycled water.

5. Microbusiness. Microbusinesses shall only include delivery retail in the AG-II zone in compliance with the permit requirement identified in Division 4 (Zoning Districts). No retail sales shall occur on the lot on which the microbusiness exists, in AG-II zones.

6. Retail. No cannabis consumption, including, but not limited to, smoking, vaporizing or ingesting, shall be permitted on the premises of a retailer or microbusiness.

E. Records. Permittees of commercial cannabis activities shall maintain clear and adequate records and documentation, in accordance with State law, the State's track-and-trace program, and as required by this Section, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. All records, unless otherwise specified in this Section, shall be maintained for 5 years and shall be subject to review, inspection, examination, and audit by the Department.

F. Inspection. All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article.

G. Land use entitlement compliance. Following issuance of the land use entitlement for the cannabis activity, all commercial cannabis activities that are subject to a land use entitlement shall be subject to County inspection to determine compliance with the land use

entitlement requirements, this Ordinance, County Code, and State law.

- H. Revocation.** Any entitlement to allow commercial cannabis activities may be revoked in compliance with Section 35-169.8 (Revocation).

SECTION 10:

Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Appendix G titled “Cannabis Activities Additional Standards” to read as follows:

APPENDIX G: CANNABIS ACTIVITIES ADDITIONAL STANDARDS.

A. Tree Protection Plan.

1. Where avoidance of pruning, damage, or removal of a native tree is not feasible, the Applicant for a land use entitlement for a commercial cannabis activity that would involve pruning, damage, or removal of a native tree, shall prepare and submit to the Department a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.
2. The Plan shall include:
 - a. Biologically favorable options for access roads, utilities, drainages, and structure placement, taking into account native tree and shrub species, age, and health with preservation emphasized.
 - b. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
 - c. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas outside of the protection area.
 - d. The type and location of protective fencing or other barriers to be in place to protect trees in protection areas during construction.
 - e. The location of all tree wells or retaining walls. These shall be located outside the area within six feet of the dripline of all protected trees unless authorized by the County.
 - f. The location of all paths within 25 feet of dripline areas. Only pervious paving materials are permitted within 6 feet of dripline areas.
 - g. The location of any replacement trees.
3. During construction these standards shall be met:
 - a. All trees shall be protected by a fence located at least 6 feet outside of the dripline. Fencing shall be at least 3 feet high, staked to prevent any collapse, and with signs identifying the protection area placed in 15-foot intervals on the fencing.

- b. All grading and construction fencing, staking, and signage shall be maintained.
 - c. All trees located within 25 feet of buildings shall be protected from stucco and/or paint.
 - d. No irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized.
 - e. If the use of hand tools is deemed infeasible by the Director, work with rubber-tired construction equipment weighing 5 tons or less may be authorized by the Director. If significant large rocks are present, or if soil placement will impact surrounding trees, then a small tracked excavator may be used as determined by the Director or Department-approved biologist.
 - f. A Department-approved arborist shall direct and oversee any development activity required within the dripline or sensitive root zone of any specimen tree. Any roots of one inch in diameter or greater which are encountered during grading or construction, and/or tree removal or trimming, must be cleanly cut.
 - g. Grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.
 - h. The Applicant shall designate a Department-approved arborist to be onsite throughout all grading and construction activities which may impact native trees. Duties of the arborist include the responsibility to ensure all aspects of the approved Tree Protection Plan are carried out.
4. Replacement trees shall be installed in compliance with the following standards:
- a. The replacement trees must be a native species, planted at a 10:1 ratio for ~~oak~~ native trees (15:1 for Blue or Valley Oaks), ~~and a 2:1 ratio for other trees.~~
 - b. The replacement trees must be species from locally obtained plants and seed stock.
 - c. The replacement trees must be gopher-fenced.
 - d. The replacement trees must be irrigated with drip irrigation on a timer until established.
 - e. The replacement trees must be weaned off of irrigation over a period of 2 to 3 years.
 - f. No replacement tree shall require permanent irrigation within the dripline of any tree.
 - g. If replacement trees cannot all be accommodated on the same lot, the Applicant shall submit a plan for replacement trees to be planted offsite.
 - h. The replacement trees must be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.

5. The Applicant shall install all measures identified by the Tree Protection Plan onsite prior to commencement of cannabis activities, as applicable. All such measures shall be indicated on final plans.
6. Prior to issuance of the cannabis permit, the Applicant shall submit the Tree Protection Plan to the Department for review and approval. The Applicant shall implement all tree protection measures of the Tree Protection Plan pursuant to the specific timing requirement for each measure set forth in the Tree Protection Plan.
7. The Department shall dispatch, on an ongoing basis, a qualified inspector to monitor and ensure compliance with the Tree Protection Plan.

B. Habitat Protection Plan

1. Where avoidance of environmentally sensitive habitat (ESH) and ESH buffers is not feasible and would preclude reasonable use of the property, ~~the Applicant for a land use entitlement for a cannabis activity that would involve impacts to clearing of native vegetation or other sensitive vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State listed special-status plant species~~ environmentally sensitive habitat, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as required for State or Federal permits and State or Federally listed species, that includes siting and design measures necessary to ensure that the project will avoid impacts to ESH to the maximum extent feasible, and will minimize and mitigate unavoidable impacts~~designed to determine whether avoidance, minimization, or compensatory measures are necessary.~~
2. Focused species-specific surveys shall be required to determine whether a sensitive species or nesting bird may be present, and shall be conducted at the appropriate time of year and time of day when that species is active or otherwise identifiable. Where warranted by the findings of initial review, protocol level surveys may also be required.
3. If the project site is located within the known habitat of a species listed as rare, threatened, or endangered by the USFWS and/or CDFW, the issuance of a permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the Endangered Species Act or any other law.
4. The Plan shall include:
 - a. The location and extent of all driplines and sensitive root zones for all vegetation to be preserved.
 - b. The location of sensitive habitat with a detailed description of proposed disturbance.
 - c. Original and new locations for replanted species.
 - d. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.

- e. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas.
- f. Environmentally sensitive habitats (ESH), including but not limited to those listed below, and their buffers shall be preserved.
 - (1) Southern Vernal Pool
 - (2) Valley Needlegrass Grassland
 - (3) Southern California Coastal Lagoon
 - (4) Southern California Steelhead Stream
 - (5) Southern California Threespine Stickleback Stream
 - (6) Coastal and Valley Freshwater Marsh
 - (7) Northern and Southern Coastal Salt Marsh
 - (8) Central Coast Arroyo Willow Riparian Forest
 - (9) Southern Coast Live Oak Riparian Forest
 - (10) Southern Cottonwood Willow Riparian Forest
 - (11) Southern Willow Scrub
 - (12) Central Maritime Chaparral
- g. During construction all ~~sensitive habitat~~ ESH shall be temporarily fenced with chain-link or other material satisfactory to the Department, at least 200 feet from the edge of the ~~sensitive habitat~~ ESH, and staked to prevent any collapse.
- h. During construction and grading, all fencing, staking, and barriers shall be maintained.
- ~~i. During construction if it becomes necessary (as authorized by the Department) to disturb or remove any plants within the habitat area, a Department-approved biologist shall direct the work. Where feasible, specimens shall be boxed and replanted. If a Department-approved biologist certifies that it is not feasible to replant, plants shall be replaced under the direction of the Department-approved biologist at a 1:1 ratio. If replacement plants cannot all be accommodated on the same lot, a plan must be approved by the Department for replacement plants to be planted offsite.~~ j. During construction all grading activities shall be designed to ensure that habitat areas have proper drainage during and after construction, per a Department-approved biologist's recommendations.
- ~~k.~~ j. If any ground disturbances will occur during the nesting bird season (February – mid-September), prior to any ground disturbing activity, surveys for active nests shall be conducted by a Department-approved biologist following CDFW approved protocols, no more than 10 days prior to the start of activities. The surveys shall be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. Identified nests shall be continuously surveyed for the first 24 hours prior to any activities to establish a behavioral baseline. Once work commences, all

nests shall be continuously monitored to detect any behavioral changes. If behavioral changes are observed, the work causing that change shall cease and CDFW shall be consulted for additional avoidance and minimization measures. A minimum no disturbance buffer of 250 feet around active nests of non-listed bird species and a 500~~-foot~~ feet no disturbance buffer around the nests of unlisted raptors shall be maintained until the breeding season has ended, or until the biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival. The minimum buffer set by USFWS or CDFW shall be maintained for identified nests of any listed species. Any variance from these buffers shall be supported by the biologist and CDFW shall be notified in advance of implementation of a no disturbance buffer variance.

- 4k. Applicants shall submit information about proposed pest management practices, including Integrated Pest Management techniques and proposed use, storage, and application of pesticides, herbicides, and/or rodenticides by type and amount as part of a Pest Management Plan to be reviewed and approved by the Department and the County Agricultural Commissioner (CAC) prior to issuance of a land use entitlement for the proposed cannabis activity. The Pest Management Plan shall describe the methods to be used for pest control, including the type, location, timing, and methods used for any rodenticide. If rodents are a pest issue for an applicant, non-toxic alternatives to rodenticides are recommended, such as mechanical controls like traps, gopher fencing, and weeding; biological controls such as natural pheromones; or cultural controls such as site maintenance and hygiene. The use of rodenticides containing any anticoagulant compounds is prohibited. Consistent with the California Department of Pesticide Regulation (DPR) determination that commercially grown cannabis is an agricultural commodity, cannabis cultivation on all licensed sites shall comply with the requirements of Division 6 and 7 of the Food and Agricultural Code and pertaining regulations. These laws and regulations set forth requirements for the legal use of pesticides, herbicides, and/or rodenticides, and are enforced by the CAC. Any uses of pesticide, herbicide, or rodenticide products shall be consistent with these requirements and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released uncontrolled into the environment, including surface or ground waters. Per the California DPR's established regulatory process, commercial cannabis cultivators planning on using pesticides, herbicides, and/or rodenticides shall obtain an Operator Identification Number from the CAC before they can purchase or use these chemicals. Within the Pest Management Plan, the applicant shall demonstrate sufficient knowledge of regulatory requirements regarding the safe and effective use of pesticides and/or rodenticides. Applicants that opt to use rodenticides shall provide an annual report of rodenticide use data to the CAC and County permitting.
5. Subsequent actions identified as necessary in the Habitat Protection Plan, such as species removal or relocation, shall be initiated following any required consultation with USFWS and CDFW pursuant to Federal and State regulations (respectively).

6. The Applicant shall install all measures identified by the Habitat Protection Plan prior to commencement of cannabis activities or as otherwise specified in the Habitat Protection Plan. All necessary requirements identified in the Habitat Protection Plan such as buffers, species monitoring, and plant species replacement, shall be indicated on final plans.
7. The Applicant shall submit a Habitat Protection Plan to the Department and demonstrate that all requirements pertaining to the Habitat Protection Plan have been implemented and completed prior to issuance of permits or licenses for cannabis activities.
8. The Department shall dispatch on an ongoing basis a qualified inspector to monitor and ensure compliance with the Habitat Protection Plan.

C. Wildlife Movement Plan.

1. ~~¶~~Where avoidance of wildlife movement areas is not feasible, the Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis activities proposed in or near wildlife movement areas for the Department's review and approval. A Department-approved biologist shall review the Plan and confirm the adequacy of design for passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer. The Applicant shall demonstrate to the Department that all perimeter fencing requirements are in place as required prior to commencement of cannabis activities. The Plan shall include:
 - a. The type, material, length, and design of proposed fencing.
 - b. Proposed fencing shall be designed to accommodate ~~for~~ the passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer, and be non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing.
 - c. Analysis of the proposed fencing in relation to the surrounding opportunities for migration.

SUGGESTED MODIFICATION NO. 4

Delete the Cannabis Business License Ordinance from LCP Amendment No. LCP-4-STB-18-0039-1-Part C.

EXHIBIT A
COASTAL ZONING ORDINANCE
ORDINANCE NO. 5028

Exhibit 2
LCP-4-STB-0039-1-
Part C

AN ORDINANCE AMENDING THE COASTAL ZONING ORDINANCE OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE TO IMPLEMENT NEW DEVELOPMENT STANDARDS, PERMIT REQUIREMENTS, AND PROCEDURES REGARDING COMMERCIAL CANNABIS ACTIVITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 17ORD-00000-00010

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add the following, new definitions of terms regarding “Cannabis” to Section 35-58 titled “Definitions,” in alphabetical order, and delete the terms “Medical Marijuana” and “Medical Marijuana Dispensary,” as follows:

Cannabis: All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended. Additionally, the following terms are defined for the purposes of Section 35-144U (Cannabis Regulations):

- a. **Commercial cannabis activity.** Any activity, recreational or medicinal, including the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter.
- b. **Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation as follows:
 - 1) **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.
 - 2) **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.
 - 3) **Mixed-light cultivation.** The cultivation of cannabis in a greenhouse,

glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.

- c. **Distribution.** The procurement, sale, and transport of cannabis and cannabis products between licensees.
- d. **Distributor.** A facility used for the storage and distribution of cannabis and cannabis products.
- e. **Manufacturing.** All aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
- f. **Microbusiness.** Permit by an owner or entity to engage in three of the four following types of cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permits must demonstrate compliance with all requirements imposed by this Article on cultivators, distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.
- g. **Nonvolatile Manufacturing.** Manufacturing using any solvent in the extraction process that is not a volatile solvent. For purposes of this Section, nonvolatile solvents include, but are not limited to, carbon dioxide and ethanol.
- h. **Nursery.** A nursery only produces clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.
- i. **Personal Use.** The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with State law.
- j. **Private residence.** A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, or other similar dwelling.
- k. **Premise.** The designated structure or structures and land specified in the state application that is owned, leased, or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premise shall be a contiguous area and shall only be subject to one state license.

- l. Processing.** All activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.

m. Retail.

- i. Non-Storefront Retailer.** Delivery-only retail of commercial cannabis or cannabis products.
 - ii. Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premise, which is a physical location from which commercial cannabis activities are conducted. A retailer's premise may be closed to the public. A Storefront retailer may also conduct some sales by delivery.
- n. Testing.** An accredited laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.
- o. Volatile Manufacturing.** Manufacturing using any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

SECTION 2:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-68.3 Permitted Uses, Section 35-68.4 Uses Permitted with a Major Conditional Use Permit, and Section 35-68.5 Uses Permitted with a Minor Conditional Use Permit, of Section 35-68 AG-I - Agriculture I, to read as follows:

Section 35-68.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).

5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply.
6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
8. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot.
9. Homestays, subject to the provisions of Section 35-144S (Homestays).
10. One Attached Accessory Dwelling Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of Section 35-142 (Accessory Dwelling Units).
11. Special Care Homes, subject to the provisions of Section 35-143.4.
12. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
13. Cannabis, Distribution, subject to the provisions of Section 35-144U.
14. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
15. Uses, buildings and structures accessory and customarily incidental to the above uses.

Section 35-68.4 Uses Permitted with a Major Conditional Use Permit

1. Commercial raising of animals, boarding of animals, and commercial riding stables.
2. Animal hospitals, and animal husbandry services.
3. Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:

- a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
- b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
- c. The primary intent of the development of this facility shall be to serve south coast agriculture,
- d. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands,
- e. The facility processes products grown on the premises or on other local agricultural lands,
- f. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Section 35-68.4 of this Article,
- g. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible, and
- h. All applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No Conditional Use Permit shall be required under this section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

4. Farm labor camps, including trailers, for housing five or more employees engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations).
5. Within the Carpinteria Agricultural Overlay District, greenhouses and greenhouse related development of any size on slopes between five and 10 percent. No exception to this requirement, such as that stated under subsection (3) above, shall apply.
6. Cannabis, Volatile Manufacturing, subject to the provisions of Section 35-144U.

SECTION 3:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change

Section 35-69.3 Permitted Uses, and Section 35-69.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-69 AG-II - Agriculture II, to read as follows:

Section 35-69.3 Permitted Uses.

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.
2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
3. Commercial boarding of animals.
4. Private and/or commercial kennels.
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
6. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot.
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans).
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).
10. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot.
11. Special Care Homes, subject to the provisions of Section 35-143.4.
12. Uses, buildings and structures accessory and customarily incidental to the above uses.
13. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.

14. Cannabis, Distribution, subject to the provisions of Section 35-144U.
15. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

Section 35-69.4 Uses Permitted With a Major Conditional Use Permit.

1. Animal hospitals and clinics.
2. Low-intensity recreational development such as hiking trails, public riding stables, recreational camps, campgrounds, retreats, and guest ranches, provided that such development:
 - a. Is in character with the rural setting,
 - b. Does not interfere with agricultural production on or adjacent to the lot on which it is located,
 - c. Does not include commercial facilities open to the general public who are not using the recreational facility, and
 - d. Does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
3. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises, provided:
 - a. The winery is located on premises used for vineyard purposes,
 - b. The winery is operated in connection with the processing of wine grapes grown on the premises, and
 - c. Retail sales of wine grape products shall be limited to those processed on the premises.
4. Facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
 - a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
 - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,

- c. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands, and
 - d. The facility processes products grown on the premises or on other local agricultural lands.
5. Piers and staging areas for oil and gas development subject to the regulations in DIVISION 9, OIL AND GAS FACILITIES.
 6. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
 7. Sorting, cleaning, and further breaking and storing of abalone shells landed live in Santa Barbara County, preparatory to shipment in their natural form.
 8. Farm labor camps, including trailers, for housing five or more persons engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations).
 9. Exploration and production of offshore oil and gas reservoirs from onshore locations, including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Las Flores Canyon Consolidated Oil and Gas Processing Site, subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
 10. Consolidated pipeline terminal, subject to being designated for such use in Policy 6-13A and B of the Coastal Plan and the requirements set forth in DIVISION 9, OIL AND GAS FACILITIES.
 11. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.
 12. Cannabis, Volatile Manufacturing, subject to the provisions of Section 35-144U.

SECTION 4:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-77A.3 Permitted Uses, and Section 35-77A.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-77A C-1 - Limited Commercial, to read as follows:

Section 35-77A.3 Permitted Uses.

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply

- stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning substations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
 3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
 4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
 5. Retail Plant nurseries.
 6. Community non-profit recycling facility.
 7. Child Care Facilities.
 8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
 9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.
 10. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration.
 11. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
 12. Short-Term Rentals subject to the provisions of Section 35-144T (Short-Term Rentals).
 13. Cannabis, Retail, subject to the provisions of Section 35-144U.
 14. Cannabis, Testing, subject to the provisions of Section 35-144U.
 15. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
 - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood

because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

Section 35-77A.4 Uses Permitted with a Major Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed, soundproofed building designed to eliminate outdoor odor and reduce the level of noise from such animals to the extent that adjacent residential properties will not be adversely affected in any way by noise or odors.
2. Hotels and motels.
3. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.

SECTION 5:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-78.3 Permitted Uses, and Section 35-78.5 Uses Permitted with a Minor Conditional Use Permit, of Section 35-78 C-2 - Retail Commercial, to read as follows:

Section 35-78.3 Permitted Uses.

1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls.
2. Automobile service station, provided no gasoline is stored above ground.
3. New and used automobile and machinery sales, leases and rentals.
4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards.
5. Retail stores, shops, or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery, and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores, and the like.
6. Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, copy shops, radio and TV repair shops, etc.
7. Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge.

8. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.
9. Business, professional, and trade schools.
10. Hotels and motels.
11. Automobile parking lot.
12. Golf course, miniature or practice range.
13. Nursery.
14. Outdoor restaurant, cafe, or tea room.
15. Music recording studio.
16. Indoor theater.
17. Community non-profit recycling facility.
18. Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses.
19. Any other light commercial use which the Planning Commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, danger to life or property, or other similar causes.
20. Short-Term Rentals subject to the provisions of Section 35-144T (Short-Term Rentals).
21. Spas or health clubs.
22. Non-Residential Child Care Center, pursuant to Section 35-143.3.
23. Cannabis, Retail, subject to the provisions of Section 35-144U.
24. Cannabis, Testing, subject to the provisions of Section 35-144U.
25. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments, and provided further that there shall be not more than five persons engaged in any such manufacture, processing, or treatment of products.

- b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life or property, or other similar causes.

Section 35-78.4 Uses Permitted With a Major Conditional Use Permit.

1. Amusement enterprises conducted partially or wholly outdoors.
2. Bus terminal.
3. Outdoor theater.
4. Swap meet.
5. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.

SECTION 6:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-83.4 Permitted Uses, of Section 35-83 PI - Professional and Institutional, to read as follows:

Section 35-83.4 Permitted Uses.

1. Professional offices, studios, and office buildings.
2. Hospitals, sanitariums, medical clinics, special care homes, and similar buildings, when used for the treatment of human ailments, subject to the approval as to need of the Santa Barbara Subarea Advisory Counsel of the Health Systems Agency, Ventura-Santa Barbara.
3. Eleemosynary and philanthropic institutions for human beings.
4. Churches, libraries, museums, and schools, including business schools, but not including dance halls nor trade schools using heavy equipment.
5. Community, civic center, and governmental buildings and structures.
6. Clubs, golf courses, and country clubs.
7. Cemetery, crematory, or mausoleums.
8. Off-street parking facilities accessory and incidental to an adjacent commercial use.
9. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.

10. Athletic clubs.
11. Banks and savings and loans offices.
12. Any other professional or institutional use which the Planning Commission finds is similar in character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, smoke, vibration, danger to life or property, or other similar causes.
13. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-83 when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
14. Cannabis, Testing, subject to the provisions of Section 35-144U.
15. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 7:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-84.4 Permitted Uses, of Section 35-84 M-RP - Industrial Research Park, to read as follows:

Section 35-84.4 Permitted Uses.

1. Manufacturing and assembly of business machines including electronic data processing equipment, accounting machines, calculators, typewriters, and related equipment.
2. Manufacture of ceramic products, such as pottery, figurines and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas.
3. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.
4. Manufacture, design, and production of handicraft articles, musical instruments, toys, jewelry, and novelties.
5. Assembly of electrical appliances, electronic instruments, and devices, and radio, phonograph, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.
6. Printing, embossing, engraving, etching, lithographic, and bookbinding plants.
7. Experimental photo or motion picture film, research, and testing laboratories.

8. Scientific instrument and equipment manufacture or precision machine shops.
9. Manufacture of optical goods.
10. Packaging business.
11. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district.
12. Storage warehouse and wholesale distributing.
13. Research, development, and testing laboratories and facilities.
14. Any other light industrial use, building, or structure which the Planning Commission finds is of similar character to those enumerated in this district and is not obnoxious or offensive because of noise, odor, dust, smoke, vibration, danger to life or property, or similar causes.
15. Aquaculture subject to the provisions of Section 35-136 (General Regulations).
16. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including drug stores, convenience markets, barber shops, shoe repair, dry cleaners, banks, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.
17. Light recreational uses and facilities such as tennis courts, gymnasium, racquetball courts which are operated only for the use of the employees in the industrial research park.
18. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-84.4, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
19. Emergency Shelter.
20. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
21. Cannabis, Distribution, subject to the provisions of Section 35-144U.
22. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
23. Cannabis, Testing, subject to the provisions of Section 35-144U.
24. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses.

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-144I Medical Marijuana Dispensaries, and reserve the Section number for future use.

Section 35-144I. Reserved for Future Use.

SECTION 9:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add new Section 35-144U Cannabis Regulations, to read as follows:

Section 35-144U. Cannabis Regulations

A. Purpose and applicability.

1. **Purpose.** This Section establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales.
2. **Applicability.** The standards of this Section shall apply to all commercial cannabis activities, as defined in Division 2 (Definitions), and as may be permitted in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone Table in this Section, for the listed zones. Commercial cannabis activities shall only be permitted in the AG-I, AG-II, C-1, C-2, PI, and M-RP zoning districts in compliance with Division 4 (Zoning Districts) and the Allowed Cannabis Uses and Permit Requirement by Zone Table in this Section. Commercial cannabis activities shall also comply with the following:
 - a. All commercial cannabis activities shall comply with the provisions of this Section, as well as all applicable State laws.
 - b. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance.
 - c. Nothing in this Section is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable County zoning and land use regulations, as well as other applicable provisions of the County Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.

- d. All persons operating facilities and conducting commercial cannabis activities, as defined in this Section, are subject to possible Federal prosecution, regardless of State licensure. Any land use or other entitlement from the County does not assert or provide any Federal protections.
 - e. The provisions of this Section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis, and/or any other cannabis activity.
 3. Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. The Board of Supervisors retains all of its statutory planning and zoning authority concerning cannabis activities. For example, even if the Ordinance (Case No. 17ORD-00000-00010) adding this section becomes operative, the Board of Supervisors still may take action(s) later to change the zoning of cannabis activities to being prohibited. Changing the zoning of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning of cannabis activities to being prohibited and may need to do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

B. Allowed uses and permit requirements.

1. Permit requirement for commercial cannabis activities.

- a. Commercial cannabis activities may only occur in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone table, and in Division 4 Zoning Districts, in this section. The required permit shall be obtained prior to the commencement of the cannabis activity. All conditions of the permit for the cannabis activity shall be satisfied prior to the commencement of the cannabis activity or as otherwise specified in the conditions of the permit.

- b. In addition to obtaining a permit from the County as required in a above, permittees of commercial cannabis activities must also obtain and maintain in good status a valid County business license, as required by the County Code, and a valid State cannabis license, as required by the California Business and Professions Code.
2. **Cultivation for personal use allowed.** The cultivation of cannabis for personal use is allowed without a land use entitlement, provided that it complies with the following standards:
 - a. Only adults 21 years or older may cultivate cannabis for personal use.
 - b. Cultivation of cannabis for personal use shall only occur within:
 - (1) A legally established, secure dwelling, or
 - (2) An enclosed, legally established, secure building that is accessory to a dwelling.

Outdoor cultivation is prohibited.

 - c. Possession, storage, and/or cultivation of cannabis shall only be exclusively for the cultivator's personal use, and the cannabis shall not be provided, donated, sold, and/or distributed to any other person, except as allowed by and as described in the State law and the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis.
 - d. Personal cultivation of cannabis is limited to six plants per legally established dwelling, unless otherwise allowed by State law in the Compassionate Use Act for medicinal cannabis.
 - e. The area dedicated to cultivation shall not be located in an area that is designated for a use that is required in order to comply with a regulation of this ordinance (e.g., in a garage if the growing area would occupy required parking spaces for the residential use of the property).
 - f. None of the cannabis cultivation or consumption activities shall be detectable (e.g., due to odor or lighting) outside of the dwelling or building in which the activities occur.
3. **Noticing for Commercial Cannabis Activities.** Entitlements for commercial cannabis uses and/or development shall be subject to the applicable noticing requirements set forth in Chapter 35-181 (Noticing), except that a mailed notice regarding a pending action or hearing regarding a commercial cannabis entitlement shall be provided to all owners of property located within a 1,000-foot radius of the exterior boundaries of the subject lot.

4. **Permit Requirements for commercial cannabis activities.** The below tables identify the commercial cannabis land uses allowed by this Development Code in each zone, and the planning permit required to establish each use.

Allowed Cannabis Uses and Permit Requirement by Zone		P	Permitted use, Coastal Development Permit required				
		MCUP	Minor Conditional Use Permit required				
		CUP	Major Conditional Use Permit required				
		S	Permit determined by Specific Use Regulations				
		—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE						
	AG-I	AG-II	C-1	C-2	PI	M-RP	
CANNABIS CULTIVATION AND MICROBUSINESS							
Outdoor Cultivation	P(2)(5)(7)	P(2)(8)	—	—	—	P(2)	
Mixed-light Cultivation	P(2)(5)	P(2)	—	—	—	P(2)	
Indoor Cultivation	P(2)(5)	P(2)	—	—	—	P(2)	
Nursery	P(5)(9)	P(9)	—	—	—	P(9)	
Microbusiness	—	CUP(2)(6)	CUP(2)	CUP(2)	—	—	
CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING							
Distribution	P(2)(3)	P(2)(3)	—	—	—	P(2)	
Manufacturing, Nonvolatile	P(2)(3)	P(2)(3)	—	—	—	P(2)	
Manufacturing Volatile	CUP(2)	CUP(2)	—	—	—	—	
Testing	—	—	P(2)	P(2)	P(2)	P(2)	
CANNABIS RETAIL							
Non-Storefront Retailer	—	—	P(2)	P(2)	—	—	
Retail	—	—	P(2)	P(2)	—	—	
Notes:							
(1) See Section 35-58 (Definitions) for land use definitions.							
(2) The cannabis operation shall not be located within 750-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.							
(3) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation.							
(4) RESERVED.							
(5) Commercial cannabis cultivation on lots located in an Existing Developed Rural Neighborhood (EDRN), or commercial cannabis cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the lot on which cultivation will occur, require a CUP.							
(6) Microbusiness - only allows non-storefront retail.							
(7) Outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.							
(8) Cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.							
(9) Nurseries shall not be located within 600-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the closest point of the nursery premises, without regard to intervening structures.							

C. General commercial cannabis activities development standards.

1. **Archaeological and paleontological surveys.** When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or

paleontological surveys in accordance with the County's current Cultural Resource Guidelines, the applicant shall provide a Phase 1 cultural resource study documenting the absence or presence of cultural resources in the project area. If current or previously conducted Phase 1 studies indicate that archaeological or other cultural sites are located in the project area, the applicant shall prepare and submit to the Department for review and approval documentation demonstrating that the resources shall be protected in accordance with Section 3.10 of the Coastal Land Use Plan as well as any additional applicable cultural resource protection policies.. All required studies shall be prepared in accordance with the requirements of the most current County of Santa Barbara Cultural Resources Thresholds and Guidelines, and shall be submitted to the Department for review and approval. Impacts to significant cultural resources shall be mitigated to the maximum extent feasible, including the following measures:

- a. In accordance with Coastal Land Use Plan and other applicable cultural resource protection policies, cannabis development (e.g., buildings, grading, and trenching for utilities) shall be located in areas on a lot that would avoid impacts to significant archaeological and historic resources to the maximum extent feasible.
 - b. As necessary, additional studies (i.e., Phase 1 inventory, Phase 2 significance and impact assessment, and Phase 3 mitigation) shall be conducted at the expense of the applicant.
 - c. If significant cultural resources are located within 60 meters (200 feet) of ground disturbing activities, the resource shall be fenced and appropriately protected during grading and construction. For any work conducted within an prehistoric or ethnohistoric period archaeological site, the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American observer as applicable.
 - d. An educational workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.
2. **Fencing and Security Plan.** The applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Fencing and Security Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to Section 35-123 (Fences, Walls and Gate Posts). Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards in this Section shall control. The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Fencing and Security Plan shall include the following:
- a. The Fencing Plan shall depict typical fencing details, including location, fence

type, and height.

- b. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impacts.
- c. Where fencing would separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.
- d. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.
- e. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.
- f. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.

3. Landscape Plan and Screening Plan. The applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation as part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, shall comply with Section 35-115 (Landscape/Screening of Parking Areas), Section 35-123 (Fences, Walls and Gate Posts), and the standards listed below. The Landscape Plan and Screening Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:

- a. Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and on-site parking areas from the nearest public road(s).
- b. All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for the cultivation activities.
- c. Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.

- d. If, due to site-specific conditions (e.g., slopes), an applicant believes that screening cannot be fully achieved, the applicant shall submit a Landscape Plan and Screening Plan showing what portion can be screened and written documentation, which sets forth the reasons other portions cannot be screened.
4. **Lighting Plan.** The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval. The standards of this Section shall be in addition to Section 35-139 (Exterior Lighting), Section 35-68.13 (Findings for Major Conditional Use Permit for Greenhouse Development), Section 35-102F (CA - Carpinteria Agricultural Overlay District) and all other applicable Sections. Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards that are most restrictive shall control. The Lighting Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Lighting Plan shall include the following:
 - a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community Plans.
 - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.
 - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.
 - d. Lighting is prohibited in hoop structures.
 - e. If, due to site-specific conditions, an applicant believes that a Lighting Plan is not necessary, the applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons. The Department shall review the written documentation and determine whether a Lighting Plan must be submitted with the application for the cannabis activity.
5. **Noise Plan.** The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project as applicable. The Noise Plan shall demonstrate compliance with the following standards:
 - a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.
 - b. Environmental control systems shall be located and/or shielded to avoid

generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.

- d. The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.
- e. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.

6. Odor Abatement Plan. The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required on lots zoned AG-II, unless a Conditional Use Permit is required. The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. The Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- b. A description of the specific odor-emitting activity(ies) that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
- d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- e. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:
 - 1) Activated carbon filtration systems.
 - 2) Vapor-phase systems. Vapor-phase systems must comply with the following:
 - a) The resulting odors must be odor-neutralizing, not odor-masking.
 - b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
 - c) Use of these systems must have supporting documentation which meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.
 - 3) Other odor controls systems or project siting practices that demonstrate

effectiveness in controlling odors.

- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:
 - 1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - 2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for odor complaints. The operator is required to immediately notify the County of any changes to the local contact.
 - 3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.
 - 4) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
 - 5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis operation, and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.
- g. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
- h. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35-144U.C.7. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter

35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).

7. **Signage.** All signs shall comply with Chapter 35-138 (Sign and Advertising Structures).
 8. **Tree Protection, Habitat Protection, and Wildlife Movement Plans.** The applicant for any cannabis permit for a site that would involve the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species, shall prepare and submit to the Department for review and approval a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan in accordance with Appendix G: Cannabis Activities Additional Standards. The Tree Protection, Habitat Protection, and Wildlife Movement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.
- D. **Specific use development standards.** All commercial cannabis activities shall comply with the following development standards specific to the applicable permit type.
1. **Cultivation.**
 - a. **AG-I Lots 20 acres or less; Lots zoned AG-I-5; and/or Lots zoned AG-I-10.** Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited on lots zoned AG-I that are 20 acres or less in size; lots zoned AG-I-5; and/or lots zoned AG-I-10.
 - b. **Avoidance of prime soils.** All structures for cannabis cultivation operations, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited to avoid prime soils to the maximum extent feasible.

Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.
 - c. **Cannabis cultivation within an Existing Developed Rural Neighborhood (EDRN).** Cultivation within an EDRN, or cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the cultivation lot, shall require approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in Section 35-172.8 (Findings Required for Approval).
 - d. **Cannabis Waste Discharge Requirements General Order.** The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of

pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.

- e. **Hoop structure lighting.** Lighting shall be prohibited in hoop structures.
- f. **M-RP zone requirements.** Cultivation shall only occur indoors on a lot zoned M-RP (Industrial Research Park).
- g. **Mixed-light cultivation lighting requirements.** Lighting due to cannabis activities that are subject to mixed-light cultivation licenses shall not be visible outside of the structure in which the lighting is located between sunset and sunrise.
- h. **Public Lands.** No cannabis cultivation shall be permitted on public lands.
- i. **Post-processing and packaging.** Post-processing and packaging of cannabis products shall be considered accessory uses to the cultivation operation(s) when processed on the same lot.
- j. **Site Transportation Demand Management Plan.** The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Transportation Demand Management Plan shall include at least one of the following methods to reduce vehicle trips generated by the cultivation operation:
 - 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.
 - 2) Provide shared parking areas for ridesharing on large and/or rural lots.
 - 3) Provide bicycle storage/parking facilities.
 - 4) Provide incentives to employees to rideshare or take public transportation.
 - 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.
- k. **Water efficiency for commercial cannabis activities.** To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:

- 1) Evaporative barriers on exposed soils and pots.
 - 2) Rainwater capture and reuse.
 - 3) Recirculated irrigation water (zero waste).
 - 4) Timed drip irrigation.
 - 5) Soil moisture monitors.
 - 6) Use of recycled water.
- l.** On lots zoned AG-I, outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.
 - m.** Cultivation on lots zoned AG-II located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary, shall require approval of a Conditional Use Permit.

3. Distribution.

- a. Cultivation limits.** Distribution on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:
 - 1) A minimum of 10% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur.
 - 2) Distribution shall be subordinate and incidental to the cultivation use of the lot, and the area designated for distribution shall occupy a smaller footprint than the area that is designated for cultivation on the lot.

4. Manufacturing.

- a. Cultivation limits.** Manufacturing (volatile and non-volatile) on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:
 - 1) A minimum of 10% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur.
 - 2) Manufacturing shall be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing shall occupy a smaller

H. Revocation. Any entitlement to allow commercial cannabis activities may be revoked in compliance with Section 35-169.8 (Revocation).

SECTION 10:

Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Appendix G titled “Cannabis Activities Additional Standards” to read as follows:

APPENDIX G: CANNABIS ACTIVITIES ADDITIONAL STANDARDS.

A. Tree Protection Plan.

1. The Applicant for a land use entitlement for a commercial cannabis activity that would involve pruning, damage, or removal of a native tree, shall prepare and submit to the Department a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.
2. The Plan shall include:
 - a. Biologically favorable options for access roads, utilities, drainages, and structure placement, taking into account native tree and shrub species, age, and health with preservation emphasized.
 - b. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
 - c. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas outside of the protection area.
 - d. The type and location of protective fencing or other barriers to be in place to protect trees in protection areas during construction.
 - e. The location of all tree wells or retaining walls. These shall be located outside the area within six feet of the dripline of all protected trees unless authorized by the County.
 - f. The location of all paths within 25 feet of dripline areas. Only pervious paving materials are permitted within 6 feet of dripline areas.
 - g. The location of any replacement trees.
3. During construction these standards shall be met:
 - a. All trees shall be protected by a fence located at least 6 feet outside of the dripline. Fencing shall be at least 3 feet high, staked to prevent any collapse, and with signs identifying the protection area placed in 15-foot intervals on the fencing.
 - b. All grading and construction fencing, staking, and signage shall be maintained.
 - c. All trees located within 25 feet of buildings shall be protected from stucco and/or paint.

- d. No irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized.
 - e. If the use of hand tools is deemed infeasible by the Director, work with rubber-tired construction equipment weighing 5 tons or less may be authorized by the Director. If significant large rocks are present, or if soil placement will impact surrounding trees, then a small tracked excavator may be used as determined by the Director or Department-approved biologist.
 - f. A Department-approved arborist shall direct and oversee any development activity required within the dripline or sensitive root zone of any specimen tree. Any roots of one inch in diameter or greater which are encountered during grading or construction, and/or tree removal or trimming, must be cleanly cut.
 - g. Grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.
 - h. The Applicant shall designate a Department-approved arborist to be onsite throughout all grading and construction activities which may impact native trees. Duties of the arborist include the responsibility to ensure all aspects of the approved Tree Protection Plan are carried out.
4. Replacement trees shall be installed in compliance with the following standards:
- a. The replacement trees must be a native species, planted at a 10:1 ratio for oak trees (15:1 for Blue or Valley Oaks), and a 2:1 ratio for other trees.
 - b. The replacement trees must be species from locally obtained plants and seed stock.
 - c. The replacement trees must be gopher-fenced.
 - d. The replacement trees must be irrigated with drip irrigation on a timer until established.
 - e. The replacement trees must be weaned off of irrigation over a period of 2 to 3 years.
 - f. No replacement tree shall require permanent irrigation within the dripline of any tree.
 - g. If replacement trees cannot all be accommodated on the same lot, the Applicant shall submit a plan for replacement trees to be planted offsite.
 - h. The replacement trees must be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
5. The Applicant shall install all measures identified by the Tree Protection Plan onsite prior to commencement of cannabis activities, as applicable. All such measures shall be indicated on final plans.
6. Prior to issuance of the cannabis permit, the Applicant shall submit the Tree Protection Plan to the Department for review and approval. The Applicant shall

implement all tree protection measures of the Tree Protection Plan pursuant to the specific timing requirement for each measure set forth in the Tree Protection Plan.

7. The Department shall dispatch, on an ongoing basis, a qualified inspector to monitor and ensure compliance with the Tree Protection Plan.

B. Habitat Protection Plan

1. The Applicant for a land use entitlement for a cannabis activity that would involve clearing of native vegetation or other sensitive vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal- or State-listed special-status plant species, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as required for State or Federal permits and State or Federally listed species, designed to determine whether avoidance, minimization, or compensatory measures are necessary.
2. Focused species-specific surveys shall be required to determine whether a sensitive species or nesting bird may be present, and shall be conducted at the appropriate time of year and time of day when that species is active or otherwise identifiable. Where warranted by the findings of initial review, protocol level surveys may also be required.
3. If the project site is located within the known habitat of a species listed as rare, threatened, or endangered by the USFWS and/or CDFW, the issuance of a permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the Endangered Species Act or any other law.
4. The Plan shall include:
 - a. The location and extent of all driplines and sensitive root zones for all vegetation to be preserved.
 - b. The location of sensitive habitat with a detailed description of proposed disturbance.
 - c. Original and new locations for replanted species.
 - d. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
 - e. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas.
 - f. Sensitive habitats, including but not limited to those listed below, shall be preserved.
 - (1) Southern Vernal Pool
 - (2) Valley Needlegrass Grassland
 - (3) Southern California Coastal Lagoon

- (4) Southern California Steelhead Stream
 - (5) Southern California Threespine Stickleback Stream
 - (6) Coastal and Valley Freshwater Marsh
 - (7) Northern and Southern Coastal Salt Marsh
 - (8) Central Coast Arroyo Willow Riparian Forest
 - (9) Southern Coast Live Oak Riparian Forest
 - (10) Southern Cottonwood Willow Riparian Forest
 - (11) Southern Willow Scrub
 - (12) Central Maritime Chaparral
- g. During construction all sensitive habitat shall be temporarily fenced with chain-link or other material satisfactory to the Department, at least 200 feet from the edge of the sensitive habitat, and staked to prevent any collapse.
 - h. During construction and grading, all fencing, staking, and barriers shall be maintained.
 - i. During construction if it becomes necessary (as authorized by the Department) to disturb or remove any plants within the habitat area, a Department-approved biologist shall direct the work. Where feasible, specimens shall be boxed and replanted. If a Department-approved biologist certifies that it is not feasible to replant, plants shall be replaced under the direction of the Department-approved biologist at a 1:1 ratio. If replacement plants cannot all be accommodated on the same lot, a plan must be approved by the Department for replacement plants to be planted offsite.
 - j. During construction all grading activities shall be designed to ensure that habitat areas have proper drainage during and after construction, per a Department-approved biologist's recommendations.
 - k. If any ground disturbances will occur during the nesting bird season (February – mid-September), prior to any ground disturbing activity, surveys for active nests shall be conducted by a Department-approved biologist following CDFW approved protocols, no more than 10 days prior to the start of activities. The surveys shall be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. Identified nests shall be continuously surveyed for the first 24 hours prior to any activities to establish a behavioral baseline. Once work commences, all nests shall be continuously monitored to detect any behavioral changes. If behavioral changes are observed, the work causing that change shall cease and CDFW shall be consulted for additional avoidance and minimization measures. A minimum no disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 foot no disturbance buffer around the nests of unlisted raptors shall be maintained until the breeding season has ended, or until the biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Any variance from these

buffers shall be supported by the biologist and CDFW shall be notified in advance of implementation of a no disturbance buffer variance.

- I. Applicants shall submit information about proposed pest management practices, including Integrated Pest Management techniques and proposed use, storage, and application of pesticides, herbicides, and/or rodenticides by type and amount as part of a Pest Management Plan to be reviewed and approved by the Department and the County Agricultural Commissioner (CAC) prior to issuance of a land use entitlement for the proposed cannabis activity. The Pest Management Plan shall describe the methods to be used for pest control, including the type, location, timing, and methods used for any rodenticide. If rodents are a pest issue for an applicant, non-toxic alternatives to rodenticides are recommended, such as mechanical controls like traps, gopher fencing, and weeding; biological controls such as natural pheromones; or cultural controls such as site maintenance and hygiene. Consistent with the California Department of Pesticide Regulation (DPR) determination that commercially grown cannabis is an agricultural commodity, cannabis cultivation on all licensed sites shall comply with the requirements of Division 6 and 7 of the Food and Agricultural Code and pertaining regulations. These laws and regulations set forth requirements for the legal use of pesticides, herbicides, and/or rodenticides, and are enforced by the CAC. Any uses of pesticide, herbicide, or rodenticide products shall be consistent with these requirements and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released uncontrolled into the environment, including surface or ground waters. Per the California DPR's established regulatory process, commercial cannabis cultivators planning on using pesticides, herbicides, and/or rodenticides shall obtain an Operator Identification Number from the CAC before they can purchase or use these chemicals. Within the Pest Management Plan, the applicant shall demonstrate sufficient knowledge of regulatory requirements regarding the safe and effective use of pesticides and/or rodenticides. Applicants that opt to use rodenticides shall provide an annual report of rodenticide use data to the CAC and County permitting.
5. Subsequent actions identified as necessary in the Habitat Protection Plan, such as species removal or relocation, shall be initiated following any required consultation with USFWS and CDFW pursuant to Federal and State regulations (respectively).
6. The Applicant shall install all measures identified by the Habitat Protection Plan prior to commencement of cannabis activities or as otherwise specified in the Habitat Protection Plan. All necessary requirements identified in the Habitat Protection Plan such as buffers, species monitoring, and plant species replacement, shall be indicated on final plans.
7. The Applicant shall submit a Habitat Protection Plan to the Department and demonstrate that all requirements pertaining to the Habitat Protection Plan have been implemented and completed prior to issuance of permits or licenses for cannabis activities.

8. The Department shall dispatch on an ongoing basis a qualified inspector to monitor and ensure compliance with the Habitat Protection Plan.

C. Wildlife Movement Plan.

1. The Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis activities proposed in or near wildlife movement areas for the Department's review and approval. A Department-approved biologist shall review the Plan and confirm the adequacy of design for passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer. The Applicant shall demonstrate to the Department that all perimeter fencing requirements are in place as required prior to commencement of cannabis activities. The Plan shall include:
 - a. The type, material, length, and design of proposed fencing.
 - b. Proposed fencing shall be designed to accommodate for the passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer, and be non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing.
 - c. Analysis of the proposed fencing in relation to the surrounding opportunities for migration.

SECTION 11:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 12:

Except as amended by this Ordinance, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect. This Ordinance supersedes the version adopted on February 6, 2018.

SECTION 13:

This Ordinance shall take effect 30 days from the date of its adoption by the Board of Supervisors or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later, and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

This Ordinance shall become operative only if the County Treasurer is able to open an account with a suitable financial institution to deposit moneys related to cannabis. If this Ordinance becomes operative, the operative date shall be the date the County Treasurer opens such account. Upon opening an account, the County Treasurer shall promptly notify the Department and the

Board of Supervisors by filing a Board Agenda Letter with the Clerk of the Board which will be considered at a noticed public hearing.

Once this Ordinance is operational, the provisions of interim urgency ordinance numbers 4992 and 4995, applicable in this Ordinance, shall automatically expire.

SECTION 14:

Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory planning and zoning authority concerning cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning of cannabis activities to being prohibited. Changing the zoning of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning of cannabis activities to being prohibited and may need to do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.


PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 27th day of February, 2018, by the following vote:

AYES: Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, and Supervisor Lavagnino

NOES: Supervisor Adam

ABSTAIN: None

ABSENT: None



DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

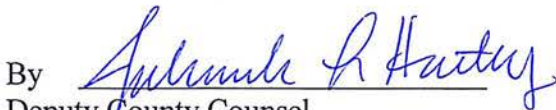
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD



By
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL



By
Deputy County Counsel

Exhibit B

ORDINANCE NO. 5037

AN ORDINANCE ADDING CHAPTER 50, LICENSING OF COMMERCIAL CANNABIS OPERATIONS, TO THE SANTA BARBARA COUNTY CODE

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. A new Chapter 50 titled “Licensing of Cannabis Operations” is hereby added to the Santa Barbara County Code, and reads as follows:

Chapter 50 – Licensing of Cannabis Operations

- Section 50-1. Purpose and Authority.
- Section 50-2. Definitions.
- Section 50-3. Cannabis Business Licenses Required.
- Section 50-4. Cannabis Business License Term.
- Section 50-5. Cannabis Business License Exemptions.
- Section 50-6. Other Licenses and Permits.
- Section 50-7. Limits on Cannabis Business Licenses.
- Section 50-8. Application Content for an Annual Cannabis Business License.
- Section 50-9. Review Process of Application for Cannabis Business License.
- Section 50-10. Application Review by Planning & Development Department - Energy Conservation Plan and Odor Control Systems.
- Section 50-11. Application Review by the Sheriff’s Department - Criminal History Check and Site Security Plan.
- Section 50-12. Application Review by the Agricultural Commissioner’s Department – Cultivation Operations, Pesticides & Measuring Devices.
- Section 50-13. Application Review by the Fire Department – Cannabis Operation Site and Manufacturing Equipment Safety.
- Section 50-14. Application Review by the Public Health Department – Manufacturing and Testing Operations and Facilities.
- Section 50-15. County Executive Office- Review and Coordination of Licenses.
- Section 50-16. License Issuance by the Treasurer-Tax Collector’s Department.
- Section 50-17. Grounds for Denial of License.
- Section 50-18. Procedure and Notice of Denial.
- Section 50-19. Cannabis Business License Renewal Process.
- Section 50-20. Denial of Renewal License.
- Section 50-21. Fees.
- Section 50-22. Cannabis Business Licenses Limits- Nontransferable.

Section 50-23. Change in Ownership.

Section 50-24. Change in Premises.

Section 50-25. Cannabis Business License Operating Requirements.

Section 50-26. Suspension or Revocation of a Cannabis Business License.

Section 50-27. Procedure for Denial, Suspension or Revocation.

Section 50-28. Misdemeanor to Operate Without a License.

Section 50-29. Enforcement and Penalties.

Section 50-30. Cannabis Complaints.

Section 50-31. State Licensing Contact.

Chapter 50 – Licensing of Cannabis Operations

Section 50-1. Purpose and Authority.

- a) It is the intent of the Board of Supervisors, in enacting this Chapter, to: encourage a well regulated cannabis industry, to eliminate illegal cannabis operations and access to illegal and untested cannabis and to protect the health, life, safety and general welfare of residents, particularly vulnerable minors.
- b) Nothing in this Chapter is intended, nor shall it be construed, to: (i) allow persons to engage in conduct that endangers others or causes a public nuisance; (ii) exempt commercial cannabis activity from compliance with all applicable County Codes and ordinances including, but not limited to, zoning and land use regulations, as well as any applicable State laws; or (iii) protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law as of the date of adoption of the Ordinance creating this Chapter and this Chapter is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis and/or any other cannabis activity.
- c) Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. The Board of Supervisors retains all of its statutory authority concerning cannabis activities. For example, even if the Ordinance adding this Chapter becomes operative, the Board of Supervisors still may amend or take action(s) later to change the zoning and/or licensing of cannabis activities to being

prohibited. Changing the zoning and/or licensing of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning and/or licensing of cannabis activities to being prohibited and may need to do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

Section 50-2. Definitions.

The following words and phrases, whenever used in this Chapter, shall have the meanings defined in this Section unless the context clearly requires otherwise:

- a) "Applicant" means a person or entity who has submitted an application for a cannabis business license or renewal of a cannabis business license issued pursuant to this Chapter.
- b) "Cannabis" means all parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended.
- c) "Cannabis business license" means a license issued by the County to an applicant to perform commercial cannabis activities under this Chapter.
- d) "Canopy" means the designated area(s) at a licensed premises, except nurseries, that will contain mature flowering plants at any point in time, as follows:
 - 1. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature flowering plants at any point in time, including all of the space(s) within the boundaries;
 - 2. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and

3. If mature flowering plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- e) "Commercial cannabis activity" means any activity, recreational or medicinal, including the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and/or cannabis products as provided in this Chapter. "Commercial cannabis activity" does not include personal use.
 - f) "Commercial cannabis operation" means any person or entity that engages in commercial cannabis activities.
 - g) "County Executive Officer" or "CEO" means the County Executive Officer of the County of Santa Barbara, his or her deputies or any other County officer charged with the administration of the provisions of this Chapter, including providing an approval or disapproval to the Treasurer-Tax Collector, to issue a license, license renewal or notice of denial of a license to any applicant.
 - h) "Hearing Officer" means a County department executive or manager not involved in cannabis licensing or permitting that presides and rules on decisions made by any County officer charged with the administration of the provisions of this Chapter, including providing an approval or disapproval to the Treasurer-Tax Collector, to issue a license, license renewal or notice of denial of a license to any applicant.
 - i) "Land use entitlement", also referred to as "permit", means any authorization from the County Planning and Development Department to engage in specific land use on a specific lot. A land use entitlement is separate and distinct from a cannabis business license.
 - j) "Licensee" means a person issued a County cannabis business license under this Chapter.
 - k) "Outdoor cultivation" means the cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.
 - l) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, cooperative, collective, or any other group or combination acting as a unit and includes the plural as well as the singular number.
 - m) "Personal Use" means the cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with State law.

- n) "Premises" means the designated structure or structures and land specified in the state application that is owned, leased or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one state license.
- o) "Primary caregiver" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
- p) "Property owner" means the individual or entity who is the record owner of the lot where commercial cannabis activities are located or are proposed to be located.
- q) "Qualified patient" has the same definition as in Section 11362.7 of the California Health and Safety Code, as may be amended.
- r) "Retail" means both storefront and non-storefront retail as follows:
 - 1. "Non-Storefront Retail." Delivery-only retail of commercial cannabis or cannabis products, also referred to as Non-Storefront Retailer; and
 - 2. "Storefront Retail." The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premise. A retailer's premise may be closed to the public. A storefront retailer may also conduct some sales by delivery.
- s) "Sheriff" means the Sheriff of the County of Santa Barbara, and his or her deputies.
- t) "State" means the state of California.
- u) "State license" means a state license for cannabis, whether an "M" license or an "A" license or another type of license, issued pursuant to California Business & Professions Code Sections 26000, *et seq.*, as may be amended, or other authority.
- v) "State licensing authorities" means the California Department of Food and Agriculture or CalCannabis, the California Department of Public Health or the Manufactured Cannabis Safety Branch, the California Department of Consumer Affairs or the Bureau of Cannabis Control, or other State department(s), bureau(s) and/or office(s) that issue cannabis licenses.
- w) "Treasurer-Tax Collector" means the elected Treasurer-Tax Collector-Public Administrator of the County of Santa Barbara, his or her deputies or any other County officer charged with the issuing licenses, noticing denials of licenses or renewing of licenses to applicants pursuant to the provisions of this Chapter.

Section 50-3. Cannabis Business Licenses Required.

- a) Any person who intends to engage in a commercial cannabis operation in the unincorporated area of the County shall obtain a cannabis business license. A

separate cannabis business license shall be required for each person or entity for each fixed location in which the commercial cannabis activity is to occur and for each licensed activity as noted in subsection c below.

- b) A cannabis business license shall be obtained before the commencement of business or, if the business is in operation and a license possessed, prior to the expiration of such license. It is unlawful for any person to conduct, engage in, or allow to be conducted or engaged in a commercial cannabis activity in the unincorporated area of the County, unless the County has issued such person a business license under this Chapter and the license is in effect.
- c) Any person who seeks or obtains the following State licenses is also required to obtain the corresponding Santa Barbara County Cannabis Business Licenses as identified below:

State License Types*	Santa Barbara County Cannabis Business License Required
Cultivation Licenses - Type 1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 5, 5A, 5B & Processor	Cultivator
Cultivation Licenses- Type 4	Nursery
Manufacturing – Type 6 & 7, N (edibles/topical) & P (packaging)	Manufacturer
Testing – Type 8	Testing
Retailer – Type 9 & 10	Retailer
Distributor – Type 11	Distributor
Microbusiness – Type 12	Microbusiness

* Pursuant to Business and Professions Code § 26050, as may be amended.

Section 50-4. Cannabis Business License Term.

All cannabis business licenses shall be valid for 1 (one) year from the date of issuance by the Treasurer-Tax Collector, unless suspended or revoked by the County pursuant to Section 50-27.

Section 50-5. Cannabis Business License Exemptions.

- a) The following cannabis activities are exempt from the cannabis business license requirements of this Chapter:

1. Possession, processing, storage, transportation, or donation of not more than 28.5 grams of cannabis or not more than eight grams of concentrated cannabis by persons 21 years of age or older.
 2. Cultivation in a legally established, secure dwelling or an enclosed, legally established, secure building that is accessory to a dwelling of up to six cannabis plants by persons 21 years of age or older as allowed pursuant to Health and Safety Code Section 11362.1(a), as may be amended, and as allowed by the County Land Use and Development Code Section 35.42.075, Montecito Land Use and Development Code Section 35.422.055, and Coastal Zoning Ordinance Section 35-144U, as may be amended.
 3. Legal nonconforming medical marijuana cultivation sites established by County Code Section 35-1003, until they are terminated, pursuant to County Code Section 35-1003.C, as may be amended.
- b) Possession of other types of State or County permits or licenses, shall not exempt the applicant from obtaining a cannabis business license under this Chapter.

Section 50-6. Other Licenses and Permits.

- a) An applicant must receive all necessary land use entitlements/permits as required by Chapter 35, Zoning, of the Santa Barbara County Code before the County will issue a cannabis business license under this Chapter.
- b) The terms and conditions of any other State or County permits or licenses, shall not modify the requirements of a license granted under this Chapter, except that the cannabis business license must be consistent with the land use entitlement/permit issued by the County pursuant to Chapter 35, Zoning, of the Santa Barbara County Code, including, but not limited to, the County Land Use and Development Code, the Montecito Land Use and Development Code and Article II, the Coastal Zoning Ordinance.

Section 50-7. Limits on Cannabis Business Licenses.

- a) Limits on Cannabis Cultivation, Nursery and Microbusiness Licenses. To avoid visual impacts and nuisances associated with significant concentrations of cannabis cultivation:
 1. No outdoor cultivation, nurseries or microbusinesses with outdoor cultivation will be licensed in the Coastal Zone.

- i. This limitation shall not apply to legal nonconforming cannabis cultivation sites operating in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.
 2. No more than 186 acres of cannabis cultivation, nurseries and microbusinesses with cultivation shall be licensed at any one time within the boundaries of *Area A* and *Area B* of the Carpinteria Agricultural Overlay District as defined in County Ordinance 4529.
 - i. Applications for cannabis cultivation, nursery and microbusinesses business licenses will be processed and license will be issued up to the acre limit established in Subsection 2 above, based on the order of submission of complete applications, as determined by the County Executive Office. A licensed cultivator will be allowed to continue to operate as long as the licensed cultivator timely files for renewal of the cannabis business license and complies with this Chapter.
 - ii. Once, and whenever, the 186 acre limit is reached no additional licenses will be issued unless and until an issued license is revoked or not renewed, or otherwise becomes available. Whenever 5 or more acres becomes available for cannabis cultivation, nursery and microbusinesses, licenses will be subject to the Selection Process pursuant to Subsection c) below.
 - iii. This limitation shall not apply to legal nonconforming cannabis cultivation sites operating in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.
- b) Limits on Cannabis Retail Licenses. No more than eight storefront retail cannabis operations may be licensed by the County with a cannabis business license at any time.
 1. To avoid excessive concentration of storefront retail operations within the County, a maximum of two storefront retail operations may be allowed in each Supervisorial District, as defined on the effective date of the Ordinance adding this Section. If after the issuance of 7 cannabis business licenses there are not storefront retail operations in each Supervisorial District, the 8th cannabis business license shall only be issued if proposed to operate in the Supervisorial District without a cannabis storefront retail operation.
 2. This limitation also applies to microbusinesses seeking to operate a storefront retail as part of the microbusiness.

- c) Selection Process. The limited retail and cultivation licenses as outlined in Subsections a) and b) above will be issued to those pre-qualified applicants who comply with the requirements of the County Code and are randomly selected through a process administered by the County Executive Office as follows:
1. Notice of Pre-Qualification and Random Drawing. The County Executive Office will publish notice of the timeframe that pre-qualification applications will be accepted, the posting of the Pre-Qualified Retail Applicants List or Pre-Qualified Cultivation Applicants List, and when and where the random drawing of these pre-qualified applicants will occur in a newspaper of general circulation and will post the timeframe on the County's website.
 2. Separate Selection Process. There will be separate Pre-Qualification, Random Drawing, and License Eligibility Lists for retail and for cultivation licenses.
 3. Pre-Qualification.
 - i. Any person interested in obtaining a cannabis business license described in this section must first submit an application for pre-qualification to the County Executive Office to be part of a random drawing.
 - ii. The application shall include:
 - A. The location for the proposed operation, including physical address and assessor's parcel number;
 - B. Proof of ownership of the site of the proposed operation or written authorization from the owner to operate a cannabis operation;
 - C. An attestation of ability to participate in and meet the requirements of the cannabis business license application process in accordance with Section 50-8, *et seq.*;
 - D. An attestation of ability to conform to and maintain all permitting and licensing requirements;
 - E. A non-refundable application fee; and
 - F. For cultivators, the amount of acres to be cultivated.
 - iii. The County will only accept one application per person per proposed operation location.

- iv. The County Executive Office will review all timely submitted applications. The County Executive Office will forward the applications to the Planning and Development Department to determine whether each applicant's cannabis operation site preliminarily meets zoning and permitting standards (i.e. that the location for the proposed operation is allowable in the zone, that the location meets all setback requirements, etc.).
- v. Applicants that submit a complete application with the required fee and that preliminarily meet the zoning and permitting standards will be placed on a "Pre-Qualified Retail Applicants List" or will be placed on a "Pre-Qualified Cultivation Applicants List" and will be referred to as pre-qualified applicants.
- vi. The County Executive Office will post the Pre-Qualification Retail Applicants List or a Pre-Qualified Cultivation Applicants List on the County's website and a copy of the list will be available in the County Executive Office. Any applicant not on a List will have three (3) business days after the posting of a List on the County's website to file an appeal with the County Executive Office. Appeals will be considered by the County Executive Office and all decisions of the County Executive Office are final.

d) Cannabis Retail or Cultivation License Eligibility Lists.

- 1. Once the Pre-Qualification Retail Applicants List or the Pre-Qualified Cultivation Applicants List is complete, the County Executive Office will schedule a random drawing of the pre-qualified applicants to occur in an open and public location. The pre-qualified applicants will be selected at random to form the Cannabis Retail License Eligibility List or the Cannabis Cultivation License Eligibility Lists.
- 2. The Cannabis Retail License Eligibility List or the Cannabis Cultivation License Eligibility Lists will be valid for three years or until all names are exhausted from the List. Upon exhaustion of the List or at the end of three years, the process listed above begins anew.
- 3. Qualified applicants on the Cannabis Retail License Eligibility List or the Cannabis Cultivation License Eligibility Lists will need to renew their interest in remaining on the Lists annually, by submitting a written request to the County Executive Office on the anniversary of creation of the Lists.

e) Permitting and Licensing of Retail Cannabis Operations.

1. The first 8 selected pre-qualified applicants, subject to the limitations in Subsection b) above of no more than 2 per District, will then be able to start the process to obtain a land use entitlement/permit and ultimately a cannabis business license.
2. The selected pre-qualified applicants will have 90 days to submit an application to the Planning and Development Department. If the Planning and Development Department deems the application incomplete, the Department will establish a deadline by which they need to complete the application or lose their qualification. Failure to timely file an application will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status and the next applicant on the Qualified List who meets the limitations of Subsection b) above to submit an application for a permit.
3. Once a selected pre-qualified applicant has obtained a land use entitlement, they must then apply for a cannabis business license. Withdraw, suspension, or abandonment of the cannabis business license application in accordance with Sections 50-8.d or 50-9.b will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status.
4. Once a selected pre-qualified applicant has obtained a land use entitlement and a cannabis business license that individual will be referred to a licensed retailer and will be allowed to continue to operate as long as the licensed retailer timely files for renewal of the cannabis business license and complies with this Chapter. If the cannabis business license is revoked or not timely renewed the licensed retailer will lose their status and the next pre-qualified applicant on the Qualified List who meets the limitations of Subsection b) may start the permitting and licensing process.

f) Permitting and Licensing of Cannabis Cultivation Operations.

1. The first selected pre-qualified applicants, in order of selection and subject to the maximum amount of acreage available, will be able to start the process to obtain a land use entitlement/permit and ultimately a cannabis cultivation business license for an operation no larger than the available acreage pursuant to Subsection a).
2. The selected pre-qualified applicants will have 90 days to submit an application for land use entitlements to the Planning and Development Department. If the Planning and Development Department deems the application incomplete, the Department will establish a deadline by which

they need to complete the application or lose their qualification. Failure to timely file an application will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status and the next applicant on the Qualified List who meets the limitations of Subsection a) above to submit an application for a permit.

3. Once a selected pre-qualified applicant has obtained a land use entitlement, they must then apply for a cannabis business license. Withdraw, suspension, or abandonment of the cannabis business license application in accordance with Sections 50-8.d or 50-9.b will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status.
4. Once a selected pre-qualified applicant has obtained a land use entitlement and a cannabis business license that individual will be referred to a licensed cultivator and will be allowed to continue to operate as long as the licensed cultivator timely files for renewal of the cannabis business license and complies with this Chapter. If the cannabis business license is revoked or not timely renewed the licensed cultivator will lose their status and the next pre-qualified applicant on the Qualified List who meets the limitations of Subsection a) may start the permitting and licensing process.

Section 50-8. Application Content for an Annual Cannabis Business License.

- a) Each application for a cannabis business license shall be filed with the County Executive Officer on the form and in the manner prescribed by the County.
- b) The application shall contain, without limitation, the following documentation:
 1. Background and Contact information:
 - i. All applicants' and agent's names, mailing addresses, phone numbers, and email addresses.
 - ii. Name, address and telephone number for all business owners, managers, supervisors, employees, and persons having a 10% or more financial interest in the commercial cannabis activity that is the subject of the application or, if the applicant is an entity, having a 10% or more financial interest in the entity.
 - iii. A 24-hour contact phone number.
 - iv. Written proof or copy of government-issued identification (i.e., California driver's license, California identification card, or certified birth certificate) that all applicants, business owners, supervisors, and employees are 18 years of age or older for State

medical licenses, and 21 years of age or older for State non-medical licenses.

- v. The names, addresses and license numbers of any and all other commercial cannabis operations currently being operated by the applicant, or that had previously been operated by the applicant and a statement of whether the authorization for any such operation has been revoked or suspended and, if so, the reason therefore.

2. Information on the operation:

- i. A full description of the proposed activities and products of the commercial cannabis operation.
- ii. Proposed hours of operation.
- iii. Number of employees.
- iv. Location and Premises Diagram.

A. The physical address and assessor's parcel number(s) (APN) of the Tax Assessor's parcels that constitute the lot upon which the proposed commercial cannabis operation will be located.

B. Premises Diagram. A diagram of the premises, drawn to scale, with sufficient detail to enable ready determination of the bounds of each of the State licensed premises, or proposed State license premises, showing without limitation, the boundaries of the lot on which the premises will be located; if the proposed premises consists of only a portion of a property, the diagram shall be labeled indicating which part of the property is the proposed premises and what the remaining property is/will be used for. All roads and water crossings on the property, sources of water used, including the location of waterbody diversions, pump locations and distribution system, and location, type and capacity of each storage unit to be used for cultivation, the APN, location of pesticide storage facility and hazardous material storage; site plan and, if applicable, floor plan of all buildings and structures, which illustrate all entry ways and exits to the building and/or structure, loading zones and all areas, in which, commercial cannabis activities are proposed to occur.

- v. Authority to Operate. Proof of ownership of premises, or if the premises on which the commercial cannabis operation is to occur is rented or leased, written permission from the property owner containing the property owner(s)' notarized signature that authorizes the tenant or lessee to engage in commercial cannabis activities at the site.
 - vi. State information.
 - A. A copy of the applicant's State cannabis licenses or applications.
 - B. The State cannabis license type, pursuant to Business and Professions Code Section 26050, as may be amended, for proposed commercial cannabis operation, including whether the activity is medical or non-medical.
 - C. A description of the number and type of State license(s) that will be required for the proposed operations pursuant to California Business & Professions Code Sections 26000, *et seq.*, as may be amended, including a description of the proposed total canopy area of any cultivation or nursery operation.
 - D. A State seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code, as may be amended, or indicate that the applicant is currently applying for a seller's permit, if applicable.
 - vii. Land Use Entitlement/Permit. A copy of the land use entitlement for the proposed commercial cannabis operation. If the following is not included in the land use entitlement it shall also be submitted as part of the application:
 - A. Cultivation Plan. A Cultivation Plan including total canopy size and production setting.
3. Business Entity Requirements:
- i. If the Applicant is a business entity or any form of entity, information regarding the entity, including, without limitation:
 - A. The name and address of the entity;
 - B. The entity's legal status; and

C. Proof of registration with, or a certificate of good standing from, the California Secretary of State.

4. Quality Control Plan. A Quality Control Plan including procedures sufficient to demonstrate how the Applicant will comply with state standards for non-contamination.
5. Energy Conservation Plan. An energy conservation plan in compliance with Section 50-10 below.
6. Site Security Plan and Criminal Background Check.
 - i. Site Security Plan in compliance with Section 50-11 below.
 - ii. All business owners, supervisors, employees, and any other persons having at least a 20% financial interest, unless the interest is solely a security, lien, or encumbrance, must go through a live scan background check that discloses no felonies in accordance with California Business and Professions Code section 26057, as may be amended.
7. Inventory Control Plan. Demonstrate the capacity for tracking the location of all cannabis or cannabis products and the ability to reconcile on-hand inventory with the records in the track and trace database.
8. Applicant acknowledgement:
 - i. A statement by the Applicant that the Applicant has the ability to comply with all laws regulating businesses in the State as well as all requirements of this Chapter and the County Code and that it shall and will maintain compliance during the term of the license.
 - ii. Agreeing to indemnify, defend and hold harmless the County, its officers, official, agents and employees from any claim, action, or proceeding against the County, its officers, official, agents or employees arising from the operation or to attack, set aside, void or annul, in whole or in part, an approval of the application by the County or issuance of a license. In addition, Applicant will complete a defense and indemnification agreement on a form provided by the County.
 - iii. Authorization for the County, its agents and employees to access all premises, during standard operating hours, upon which cannabis operations are occurring or intend to occur, including, but not limited to, initial site visits prior to issuance or renewal of a license, and compliance checks.

iv. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

9. Other information: Any other information required by the County Executive Officer or County Executive Office.

- c) An Applicant shall submit to the County Executive Officer an application for a cannabis business license with all required documents, plus as many copies of the application and supporting documentation as required, and the application fee using the method and location for submission as determined by the County Executive Office.
- d) An Applicant may withdraw or suspend their application by submitting a written request for either action. Requests must be delivered or mailed to the County Executive Office. Withdrawn applications may be eligible for a pro-rated refund of fees upon request. If an application is withdrawn and the Applicant later wishes to proceed, the Applicant must submit a new application. Suspended applications will not be eligible for a refund. Reactivation of a suspended application will require a written request for reactivation that must be delivered or mailed to the County Executive Office.

Section 50-9. Review of Process of Application for Cannabis Business License.

- a) Once an Applicant submits an application to the County Executive Office, the County Executive Office will review and determine if the application includes all the information required in Section 50-8 above and that the application fee has been paid.
- b) If the County Executive Office determines that the application does not include all information required in Section 50-8, it will promptly notify the Applicant of the deficient application elements and establish a timeframe for the Applicant to provide the County Executive Office with the missing documents or information.
 - 1. No further action will be taken by the County Executive Office until the application complies with this Chapter, including verification of compliance for State licensing authorities.
 - 2. If the Applicant fails to provide the requested information in the established timeframe the application will be deemed abandoned. No fees will be refunded for abandoned applications.
- c) After the County Executive Office confirms that the application includes all the information required in Section 50-8, the County Executive Office will promptly

forward the application to appropriate departments, including, but not limited to, Planning and Development, Sheriff, Fire, Agricultural Commissioner, Treasurer-Tax Collector, and Public Health for review and site visit. The departments shall recommend to the County Executive Office whether or not the County Executive Office should approve the issuance of the cannabis business license in accordance with this Chapter.

Section 50-10. Application Review by the Planning and Development Department – Energy Conservation Plan and Odor Control System.

- a) The County Executive Officer will forward applications to the Planning and Development Department and request confirmation by Planning and Development Department that:
 1. The Applicant has the proper land use entitlement and odor control system;
 2. The Applicant is in compliance with the commercial cannabis activities development standards required in Chapter 35, Zoning; and
 3. The Applicant has an Energy Conservation Plan approved by the Department.
- b) Energy Conservation Plan. The Applicant for a cannabis business license proposing to engage in indoor cultivation, mixed-light cultivation, nursery operations, manufacturing (volatile or non-volatile), and/or distribution shall prepare and submit to the County Executive Officer an Energy Conservation Plan with their application. The Energy Conservation Plan shall comply with the following.
 1. Net Energy Demand. The Plan must establish the proposed operation's net energy demand. Net energy demand may be determined by projecting the proposed operation's electrical demand and subtracting the historical electricity use data (if available). Historical electricity use data shall be derived from the operation site's utility provider. The Plan must demonstrate the following, as applicable given the historical electricity use on the operation site.
 - i. For an operation site that involved energy usage in 2007, the operator must demonstrate that the proposed cannabis operation will achieve a 15% reduction in the energy usage in 2007.
 - ii. For an operation site that involved energy usage after, but not during, 2007, the operator must demonstrate that the proposed cannabis operation will achieve a 15% reduction in the average energy usage

either (a) since the time at which energy usage began on the operation site or (b) during the ten years prior to the date of the application, whichever is the shorter period of time.

iii. If no energy usage has occurred on the operation site, then 100 percent of the proposed operation's electrical demand shall be considered net energy demand.

2. Energy Conservation. To demonstrate the required energy reduction or no net increase, the Applicant may (1) directly implement any one or more of the following energy conservation and reduction measures, and/or (2) indirectly implement energy conservation and reduction measures through the purchase of credits offered through any one or more of the following renewable energy programs:

- i. Renewable Energy. Energy reduction may be satisfied by sourcing energy demands from renewable energy sources.
- ii. Renewable Energy Choice Program. An Applicant may purchase renewable electricity from a County approved renewable energy source (i.e., Regional Renewable Choice program, Green Rate program, Community Renewable program, or similar equivalent renewable energy program) to offset any net increase of energy demand.
- iii. Energy Conservation Measures. To demonstrate energy reduction or no net increase in energy demand, the Applicant may include energy conservation measures in their Energy Conservation Plan. Conservation measures may include, but are not limited to:
 - A. Participating in an annual energy audit.
 - B. Measuring and recording net energy use.
 - C. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - D. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high pressure sodium (HPS) lighting where feasible.
 - E. Implementing automated lighting systems.
 - F. Utilizing natural light when possible.
 - G. Utilizing an efficient circulation system.
 - H. Ensuring that energy use is below or in-line with industry benchmarks.

- I. Implementing phase-out plans for the replacement of inefficient equipment.
 - J. Adopting all or some elements of CalGreen Tier 1 and 2 voluntary elective measures to increase energy efficiency in new buildings, remodels, and additions.
 - K. Participating in the Smart Build Santa Barbara (SB2) Program, including plan review by the County Green Building Committee.
 - L. Appendix F of the Santa Barbara County Energy and Climate Action Plan.
3. Implementation. The Energy Conservation Plan shall be implemented prior to the issuance of final building inspection, if this has not occurred prior to issuance of a cannabis business license, and/or throughout operation of the cannabis business as applicable.

Section 50-11. Application Review by the Sheriff's Department -- Criminal History Check and Security Plan.

- a) The Sheriff's Department functions as lead reviewer for all applications and compliance or renewal site visits of cannabis business licenses for distributor and retail operations; including microbusiness. The Sheriff's Department will also participate in reviewing site security plans and criminal history backgrounds for all cannabis business license applications and renewals.
- b) Criminal History Checks.
 - 1. All applicants, owners, persons having at least a 20% financial interest, managers, supervisors and employees of a cannabis operation must contact the Sheriff's Department to conduct a live scan criminal check, that show no felonies in accordance with California Business and Professions Code section 26057, as may be amended. Upon completion of the background check the Sheriff's Department will issue an identification card to be worn by all employees at all times while on the licensed premises.
 - 2. The Sheriff shall obtain a copy of criminal records in the United States, if any, and may obtain the criminal records, if any, in any other country, if obtaining such foreign criminal records is feasible for each person listed in Subsection 1 above.

3. The Sheriff in making his/her recommendation on the application to the County Executive Office may conduct further investigation of the applicant as deemed appropriate and shall consider compliance with Business and Professions Code section 26057, as may be amended.
4. If the Sheriff disapproves the application, the Sheriff shall notify the County Executive Office in writing giving the reason(s) for the disapproval.
5. No applicant, owner, person having at least a 20% financial interest, manager, supervisor or employee engaged in the operation of the commercial cannabis operation may have been convicted of a felony or other crime as set forth in Business and Professions Code section 26057, as may be amended.

c) Site Security Plan.

1. All applicants shall prepare and submit a site security plan to the County Executive Office.
2. The County Executive Office will forward the Plan to the Sheriff's Department for review and approval.
3. The Plan shall include at a minimum perimeter security system, lighting, 24-hour video monitoring with 45-day archiving of video that cover all areas of the licensed operation, employee training program on company policies and cannabis laws, color coded identification cards based on access, system for obtaining and managing Sheriff's Department cannabis access identification cards, policies for employees that do not wear identification cards while on the premises, prevention of product diversion, theft, and loss, as may be required by the Sheriff's Department to protect the public safety.
4. If upon review an Applicant's Site Security Plan is inadequate, Sheriff may provide an opportunity to improve the Plan to meet necessary standards.
5. If the Sheriff disapproves the Plan, the Sheriff shall notify the County Executive Office in writing giving the reason(s) for the disapproval.

Section 50-12. Application Review by the Agricultural Commissioner's Department – Cultivation Operations, Pesticides & Measuring Devices.

- a) The Agricultural Commissioner's Department functions as lead reviewer for all applications and compliance or renewal site visits of cannabis business licenses

- for nursery, cultivation, and microbusiness with a nursery or cultivation operation.
- b) The Agricultural Commissioner's Department will review and evaluate the following for compliance with State law and County Code:
 - 1. Cultivation plans, including canopy areas, areas outside the canopy area for immature plants, designated pesticide storage area, processing and packaging areas, cannabis waste site, area for harvested cannabis storage, harvest schedules and source of immature plants;
 - 2. Sealing of all measuring devices per California Code of Regulation 8213;
 - 3. Weighmaster and California Package and Labeling requirements defined in California Business and Professions Code Division 5;
 - 4. Presence and use of pesticides;
 - 5. Cannabis waste disposal plan generated by cultivation operations;
 - 6. Processing facility and operations; and
 - 7. Cannabis operations in relation to other agricultural uses on the site.
 - c) The Agricultural Commissioner's Department shall make a recommendation on an application to the County Executive Office.
 - d) If the Agricultural Commissioner's Department disapproves the application, the Department shall notify the County Executive Office in writing giving the reason(s) for the disapproval.

Section 50-13. Application Review by the Fire Department – Cannabis Operation Site and Manufacturing Equipment Safety.

- a) The Fire Department will review and evaluate the following for compliance with State law and County Code:
 - 1. Safety of cannabis manufacturing operations that involve extraction equipment;
 - 2. Fire department access roads and water supply per County Code; and
 - 3. Fire hazard potential at cannabis operation sites.
- b) The Fire Department shall make a recommendation to the County Executive Office on whether the application complies with Section 50-13a).
- c) If the Fire Department disapproves the application, the Department shall notify the County Executive Office in writing giving the reason(s) for the disapproval.

**Section 50-14. Application Review by the Public Health Department –
Manufacturing and Testing Operations and Facilities.**

- a) The Public Health Department functions as lead for all applications and compliance or renewal site visits of cannabis business licenses for manufacturing and testing operations, including microbusinesses.
- b) The Public Health Department will review and evaluate the following for compliance with State law and County Code:
 - 1. Operations, inventory, waste and quality control procedures and protocols;
 - 2. Manufacturing and testing operations conformity with applicable state product, packaging and labeling regulations;
 - 3. Processing facility and operations in relation to eliminating sources of contamination and promoting sanitary conditions;
 - 4. Cannabis operations in relation to other agricultural uses on the site; and
 - 5. Storage conditions of cannabis edibles at retail sales premises
- c) The Public Health Department shall make a recommendation on an application to the County Executive Office.
- d) If the Public Health Department disapproves the application, the Department shall notify the County Executive Office in writing giving the reason(s) for the disapproval.

Section 50-15. County Executive Office - Coordination and Review of Licenses.

- a) The County Executive Office functions as lead coordinator for the licensing and compliance review process for all cannabis business licenses.
- b) The County Executive Office shall provide reports to the Board on the status of the cannabis business licensing program at least annually.
- c) The County Executive Office:
 - 1. Reviews the license or renewal application, and forwards it to the County's licensing and compliance staff for review, findings, site visitation, and recommendation.
 - 2. Determines if there is any cause for denial, in accordance with Sections 50-17 or 50-20 of this Chapter and based on the recommendation and

findings of licensing and compliance staff from the Agricultural Commissioner, Fire, Planning and Development, Treasurer-Tax Collector, Public Health and/or Sheriff's departments.

3. Determines if any reason for denial can be resolved by the Applicant and establishes a timeframe for the resolution followed by the Applicant requesting re-review of that portion of the application.
4. Approves denial of the application by the Treasurer-Tax Collector, if there is ground for denial.
5. Approves license issuance by the Treasurer-Tax Collector, if there is no ground for denial.

Section 50-16. License Issuance by the Treasurer-Tax Collector's Department.

- a) The Treasurer-Tax Collector functions as lead for issuance or noticing of a denial of a cannabis business license and determining if Applicant has any County tax delinquencies pursuant to Chapter 50A.
- b) The Treasurer-Tax Collector shall:
 1. Inform the County Executive Office of any County tax delinquencies pursuant to Chapter 50A related to license or renewal applications.
 2. Issue licenses as a result of approval for issuance from the County Executive Office.
 3. Issue notices of denial pursuant to Section 50-18 of this Chapter as a result of approval of a denial from the County Executive Office.
- c) The Treasurer-Tax Collector will maintain a record of each license issued and notify the County Executive Office of issuance of a license or notice of denial pursuant to subsection b) above.

Section 50-17. Grounds for Denial of License.

Any application for a cannabis business license may be denied based on any of the following criteria:

- a) Any grounds for denial listed in Section 22-55, 22-56 or 22-57 of the Santa Barbara County Code;
- b) The Applicant has knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from the application;
- c) Any Applicant, owner, person having at least a 20% financial interest, manager, supervisor or employee has been convicted of a felony or other crime as set forth

in Business and Professions Code section 26057, as may be amended and was not approved by the Sheriff;

- d) The applicant's operations, energy conservation, equipment, inventory control, quality control, security waste management or cultivation plans, or other information in the application are determined to be insufficient to maintain the health, safety and general welfare of employees or the public or fail to comply State law or the County Code by staff from the Agricultural Commissioner, Fire, Planning and Development, Public Health or Sheriff's departments;
- e) If applicable, the Applicant failed to obtain and/or maintain a valid seller's permit required pursuant to the Revenue and Taxation Code, as may be amended;
- f) The proposed commercial cannabis operation does not comply with the provisions of this Chapter, Chapter 50A or State law;
- g) The Applicant has not received all necessary land use entitlements as required by Chapter 35, Zoning, of the Santa Barbara County Code;
- h) The Applicant has been denied a license to engage in commercial cannabis activity by a State licensing authority;
- i) The application exceeds the limitations or has not complied with the selection process established in Section 50-7;
- j) The Applicant has denied the County access to the premises to conduct an inspection; or
- k) Failure to pay County taxes, license or permitting fees.

Section 50-18. Procedure and Notice of Denial.

- a) The County Executive Office shall provide the Treasurer-Tax Collector a request for issuance of a notice of denial on the cannabis business license application. If the CEO denies the application, then the County Executive Officer shall provide the grounds for denial based on Section 50-17 above.
- b) If the Treasurer-Tax Collector prepares a notice of denial of a cannabis business license application, the Treasurer-Tax Collector shall:
 - 1. Specify in writing the reason(s) for the denial of the application based on Section 50-17; and
 - 2. Notify the Applicant that the decision shall become final unless the Applicant corrects any deficiencies in the application in the timeframe established by the County Executive Office or appeals, pursuant to this

Chapter, within five calendar days of the date of service of the Treasurer-Tax Collector's notice of denial.

- c) Denials may be appealed pursuant to Section 50-27 of this Chapter.

Section 50-19. Cannabis Business License Renewal Process.

- a) Each cannabis business license shall expire one year after the date of its issuance. The Treasurer-Tax Collector may renew a cannabis business license if:
 - 1. The County Executive Office receives a timely renewal application by the licensee with a renewal application fee;
 - 2. The licensee has complied with the requirements of this Chapter and the licensee's County license, State license(s) and/or County land use entitlement(s) have not been suspended or revoked;
 - 3. The licensee has allowed any County staff necessary to determine compliance with this Chapter, to conduct site inspections of the cannabis operation to verify licensee's compliance with this Chapter; and
 - 4. The County Executive Office confirms that the commercial cannabis operation meets the standards for issuance of a license pursuant to this Chapter and approves the license issuance.
- b) Any application for renewal shall be filed with the County Executive Office at least 60 calendar days before expiration of the cannabis business license, but no earlier than 90 calendar days before expiration. The renewal application shall include:
 - 1. The legal name of the licensed entity;
 - 2. The date of the County business license expiration;
 - 3. The licensee's mailing address and premise address;
 - 4. Authorization for an onsite inspection of the premises during standard business hours to confirm compliance with this Chapter;
 - 5. Log of odor complaints and responses to complaints, in compliance with Chapter 35, Zoning, of the County Code;
 - 6. If any of the documentation and information supplied by the Applicant pursuant to Section 50-8 has changed since the issuance of the cannabis business license, the Applicant shall submit updated information and documentation with the application for renewal and shall provide such other information as the County Executive Office may require; and

7. The documentation required in Section 50-8.b.8 and 9.
- c) In accordance with the procedure listed in Section 50-9, the County Executive Office will review the renewal license application and forward the application to all applicable County Departments. The County Executive Office will then provide the Treasurer-Tax Collector with approval to issue the license renewal or provide notice of a denial of the renewal application.
- d) If a complete renewal application is submitted in compliance with subsection b) above and the licensee is operating in good standing in accordance with the terms of this Chapter, the licensee may continue to operate until the Treasurer-Tax Collector provides a license renewal or a notice of denial of the renewal application.

Section 50-20. Denial of Renewal Licenses.

- a) An application for renewal of a cannabis business license shall be denied if:
 1. The application is filed fewer than 60 calendar days before the cannabis business license expiration;
 2. The licensee fails to conform to and comply with the criteria set forth in this Chapter, including possession of all required and valid State licenses;
 3. The licensee is delinquent in payment of County taxes on commercial cannabis activity;
 4. The cannabis business license is suspended or revoked at the time of the application or at any time before issuing the renewal license;
 5. The land use entitlement/permit for the commercial cannabis operation is suspended or revoked at the time of the application or at any time before issuing the renewal license; or
 6. Any of the grounds for denial listed in Section 50-17 are present.
- b) If a renewal application is denied, an applicant may file a new application pursuant to Section 50-8 or appeal the denial pursuant to Section 50-27. However, the licensee must cease operations when the licensee's license expires until a new license is issued.
- c) If the County Executive Office denies the renewal, the County Executive Office shall provide the Treasurer-Tax Collector a request for a notice of denial and the reason(s) for denial based on Section 50-20. The Treasurer-Tax Collector shall notify the licensee the reasons for denial of the application based on Section 50-20 and that the decision shall become final unless the licensee corrects the deficiencies

in the application within the timeframe established by the County Executive Office or appeals pursuant to Section 50-27 of this Chapter within five calendar days of the date of service of the Treasurer-Tax Collector's notice of denial.

Section 50-21. Fees.

- a) The filing of an application for a cannabis business license or renewal of a cannabis business license and appeal(s) shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this Chapter.
- b) Applicants and licensees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter.

Section 50-22. Cannabis Business Licenses Limits - Nontransferable.

- a) A cannabis business license is issued to and covers only the licensee(s) identified on the cannabis business license and only the premises identified on the cannabis business license.
- b) A cannabis business license is not transferable and automatically terminates upon transfer or change of ownership pursuant to Section 50-23. A cannabis business license does not run with the land.

Section 50-23. Change in Ownership.

- a) Any new business owners, managers, supervisors, employees, or other persons intending to be engaged in the business or operation of the commercial cannabis operation must submit their fingerprints and/or other necessary information for a criminal background check pursuant to Section 50-11, to the Sheriff prior to the proposed change. Once the Sheriff has approved the new person's criminal history and before the new person engages in any activity related to the cannabis business license, the licensee shall submit this approval along with the new person's contact information to the County Executive Office.
- b) Whenever any individual, corporation, limited liability company, partnership or other type of business entity licensed under this Chapter sells or transfers any part greater than 10% of its corporate stock, partnership interest or other business interest in a commercial cannabis operation, a new cannabis business license shall be obtained pursuant to Section 50-8 of this Chapter.

Section 50-24. Change in Premises.

- a) A licensee shall not change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of the business operation conducted from the premises, from the site plan or other plans on file with the application, unless and until the licensee obtains written approval by the County Executive Office.
- b) A material or substantial physical alteration includes, but is not limited to, a substantial increase or decrease in the total area of the licensed premises, any other physical modification resulting in substantial change in the mode or character of business operations.
- c) Change in premises due to a declared natural disaster does not constitute a surrender or abandonment of a license. Moving cannabis, non-manufactured or manufactured cannabis products stored on a premises to another location immediately to prevent loss, theft or degradation of the cannabis or non-manufactured or manufactured cannabis products is allowed without prior approval, if:
 - 1. Cannabis, non-manufactured or manufactured cannabis products are moved to a secure location where only the licensee, employees or contractors have access;
 - 2. Notice is given in writing to the County Executive Office of the change in location within 24 hours, including a request for relief from the premises specific licensing requirements;
 - 3. Access to the new disaster-related premises is provided to the County; and
 - 4. New premises is required for a period greater than ten days, the licensee submits a written request for relief from premises-specific requirements for a defined period of time and the reasons why such relief is required.
- d) To obtain County Executive Office approval of a change in premises the licensee shall submit a new premises diagram, security/video surveillance plan and a written determination from the Planning and Development Department that the amended premises area is covered by the licensee's applicable land use entitlement/permit and continues to meet all setback/buffer and other requirements.

Sec. 50-25. Cannabis Business License Operating Requirements.

- a) Throughout the term of the cannabis business license, each and every licensee shall comply with this Chapter, the County Code, and State law, including, but not limited to, all of the following:
 - 1. Premises Restrictions:

- i. No cannabis shall be smoked, ingested or otherwise consumed on the premises.
- ii. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the premises.
- iii. No licensee may hold a license for the premise from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, nor may the cannabis operation include a business that sells alcoholic beverages.
- iv. No alcohol may be stored, sold, dispensed or consumed on the premises.
- v. A licensee shall not sell, store or allow consumption of any tobacco or nicotine products on or at any premises licensed under this Chapter.
- vi. No person or employee shall be under the influence of a controlled substance.

2. Display License and ID Cards.

- i. Each licensee shall conspicuously display its license on the premises. Each commercial cannabis operation that engages in delivery or distribution shall carry a copy of the license in all vehicles that deliver or transport cannabis or cannabis products.
- ii. Employee identification cards shall be worn at all times while on the premises and cards shall be color coded to identify levels of access to portions of the operations.

3. Odor. Odor prevention devices and techniques for cannabis cultivation, in compliance with Chapter 35, Zoning, of the County Code.

4. Records. Each licensee shall keep accurate records of the licensee's commercial cannabis activities in a manner readily accessible for examination by the County for six months onsite and a total of seven years pursuant to Business and Professions Code Sections 26160 through 26162.5, as may be amended.

5. Security Requirements:

- i. Each licensee shall be responsible and liable for safety and security in and around the commercial cannabis operation, and shall provide adequate security on the premises including the cleanup of graffiti, trash around the premises within 48 hours.

- ii. Each licensee shall maintain such surveillance video recordings for a period of at least forty five (45) days and shall make such video recordings available to the County upon demand.
 - iii. Following harvest, all cannabis and cannabis products shall be stored in a secured and locked safe room, safe or vault, and in a manner to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, testing samples or immediate sale.
 - iv. Each licensee shall notify the Sheriff within 12-24 hours after discovering any of the following: diversion, theft, loss, or any criminal activity involving the commercial cannabis operation; significant discrepancies identified during inventory; or any other breach of security.
- 6. 24-Hour Contact. Each licensee shall provide the County Executive Office with the name, telephone number and e-mail address of the licensee's designated community relations contact who the public may contact 24-hours a day regarding problems or concerns associated with the commercial cannabis operation. The licensee shall update the County if any changes occur to the community relations contact. The licensee shall make a good faith effort to resolve problems without the need for intervention by the County.
- 7. Taxes. A licensee shall pay all applicable State and County taxes and fees.
- 8. Insurance. A licensee shall have and maintain for the duration of the license a general liability insurance policy naming the County as an additional insured with minimum coverage requirements of \$1 million per occurrence and \$2 million per aggregate.
- 9. Valid Permits and State Licenses:
 - i. The property owner(s) who own(s) the premises where the commercial cannabis operation is located must at all times have all necessary land use entitlements/permits as required by Chapter 35, Zoning, of the Santa Barbara County Code and the land use entitlements must be operative.
 - ii. A licensee must legally hold all required State Licenses under the Medicinal and Adult-Use of Cannabis Regulatory and Safety Act (Business & Professions Code §§ 26000, *et seq.*), as may be amended, and under all other applicable State laws.

- b) In the interest of public safety, County officials may enter the licensee's premises during standard operating hours for the purpose of observing compliance of the commercial cannabis operation with this Chapter.
- c) County officials, including the County Executive Office or Treasurer-Tax Collector, may inspect the commercial cannabis operation's records, books, accounts, financial data, and any and all data relevant to its licensed activities for the purpose of conducting an audit or examination.
- d) It is a misdemeanor for any person having any responsibility over a commercial cannabis operation to impede, obstruct, or interfere with an inspection, or the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.

Section 50-26. Suspension or Revocation of a Cannabis Business License.

- a) Any of the following shall be grounds for suspension or revocation of a cannabis business license, based on substantial evidence and following notice and the procedure in Section 50-27:
 - 1. Failure to comply with one or more of the terms and conditions of the cannabis business license;
 - 2. The cannabis business license was granted on the basis of false material information, written or oral, given unknowingly, willfully or negligently by the applicant;
 - 3. Any act or omission by a licensee in contravention of the provisions of this Chapter;
 - 4. Any act or omission by a licensee in contravention of State law or the Santa Barbara County Code;
 - 5. Any act or omission by a licensee that results in the suspension or revocation of the applicable land use entitlement/permit issued under Chapter 35, Zoning, of the Santa Barbara County Code for the commercial cannabis activities;
 - 6. Any act or omission by a licensee that results in the denial, revocation or suspension of that licensee's State license;
 - 7. Failure to pay, or engaging in falsely reporting of, State or County taxes on commercial cannabis activity;

8. Any of grounds for revocation listed in Section 22-59 of the Santa Barbara County Code;
9. Failure to meet corrective action plans issued by County Department(s) cited in this Chapter; and
10. Engaging in conduct that constitutes a nuisance, where the licensee has failed to abate the nuisance.

Section 50-27. Procedure for Denial, Suspension or Revocation.

- a) Denial. If the Treasurer-Tax Collector issues a notice of denial of an application for a cannabis business license or renewal of a cannabis business license, the Applicant has five calendar days from the date of service of the Treasurer-Tax Collector notice to file a written appeal of the denial pursuant to this Section with the Treasurer-Tax Collector. The hearing on the denial shall be conducted pursuant to this Section.
- b) Suspension or Revocation. If the County Executive Office determines that grounds for suspension or revocation of the cannabis business license exist, the County Executive Office shall issue a written Notice of Intention to suspend or revoke the cannabis business license.

1. Notice of Intention.

- i. The Notice of Intention shall be served on the licensee, as reported on the cannabis business license, and on the property owner, as reported on the latest equalized assessment roll. The Notice of Intention shall be served in accordance with the requirements set forth in Subsection e) below.
 - ii. The Notice of Intention shall include the intention to revoke or suspend the license, the grounds for suspension or revocation, the action necessary to abate the violation, the time limit for compliance/abatement, and the right to a hearing. The Notice of Intention shall notify the licensee of the opportunity to request a hearing before a Hearing Officer, to present evidence as to why the license should not be suspended or revoked, and that the licensee has 10 calendar days to submit a written request for a hearing to the County Executive Office.
2. The licensee shall have 10 calendar days from the service of the Notice of Intention to submit a written request to the County Executive Office for a hearing. Failure to submit a written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the cannabis

business license and a failure to exhaust administrative remedies. If the hearing is not timely requested, the license will be suspend or revoked in accordance with the Notice of Intention. Appellant will be assessed fees to cover the costs of appeals.

- c) Upon receipt of a timely written request for a hearing, the County Executive Office shall set a date for a hearing to be held within sixty (60) days of receipt of the request, unless an immediate threat to the public health, safety and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be served in accordance with the requirements in Subsection e) below.
- d) Hearing by the Hearing Officer:
 - 1. The Hearing Officer is authorized to conduct hearings, receive evidence, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the denial of an application or suspension or revocation of the cannabis business license.
 - 2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.
 - 3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.
 - 4. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.
 - 5. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision to the County Executive Office, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.
 - 6. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney fees.
 - 7. If neither licensee nor owner, nor their authorized representatives, appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

8. The County Executive Office shall inform the Treasurer-Tax Collector of the final administrative decision of the Hearing Officer.
- e) Service of notice to an Applicant, licensee, or owner based on this Section shall be in writing, and shall either be delivered by (i) personal delivery, (ii) certified U.S. mail, postage prepaid, return receipt requested, or (iii) first class mail which shall be deemed to be received (also referred to as date of service) five calendar days following deposit in the U.S. mail. A copy of this notice shall also be provided to the County Executive Office.

Section 50-28. Misdemeanor to Operate Without a License.

Failure to possess, or operating without, a valid cannabis business licenses for each and every cannabis operation as required by Section 50-3, unless exempted in Section 50-5, is a misdemeanor.

Section 50-29. Enforcement and Penalties.

The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

- a) It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.
- b) Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Santa Barbara County Code, and any other action authorized by law.
- c) Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Santa Barbara County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, costs of abatement, costs of restoration, costs of investigation, attorney fees, restitution, and any other relief or remedy available at law or in equity.
- d) The County or the Office of the District Attorney may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the licensee, operator or persons related thereto, or associated with, the commercial cannabis activity.

Section 50-30. Cannabis Complaints.

- a) Any complaints regarding cannabis operations may be submitted to the County Executive Office's cannabis hotline.
- b) Each licensee is required to have a 24-hour community relations contact, pursuant to Section 50-24, that is available to receive and respond to complaints from the public. The licensee shall update the County immediately, through the CEO, if any changes occur to the community relations contact. The licensee shall make a good faith effort to resolve complaints without the need for intervention by the County.

Section 50-31. State Licensing Contact.

The County Executive Office is the designated contact for all communications with the State Licensing Authorities regarding cannabis operations.

SECTION 2. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

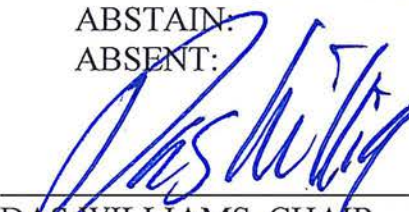
SECTION 4. This Ordinance shall take effect 30 days from the date of its adoption by the Board of Supervisors or for the portion of the ordinance effective in the Coastal Zone upon the later of that date or the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, and shall become operative and be in force upon the date shown below. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

This Ordinance shall become operative only if: (1) the County Treasurer is able to open an account with a suitable financial institution to deposit moneys related to cannabis. Upon opening an account, the County Treasurer shall promptly notify the Department and the Board of Supervisors by filing a Board Agenda Letter with the Clerk of the Board which will be considered at a noticed public hearing; and (2) the Board adopts cannabis license related fees. If this Ordinance becomes operative, the operative date shall be the date the County Treasurer opens such account or the date the Board adopts fees, whichever is later.

SECTION 5: Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory authority concerning cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning and/or licensing of cannabis activities to being prohibited. Changing the zoning and/or licensing of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning and/or licensing of cannabis activities to being prohibited and may need to do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.


PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 1st day of May, 2018, by the following vote:

AYES: Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, & Sup. Lavagnino
NOES: Supervisor Adam
ABSTAIN: None
ABSENT: None



DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By 

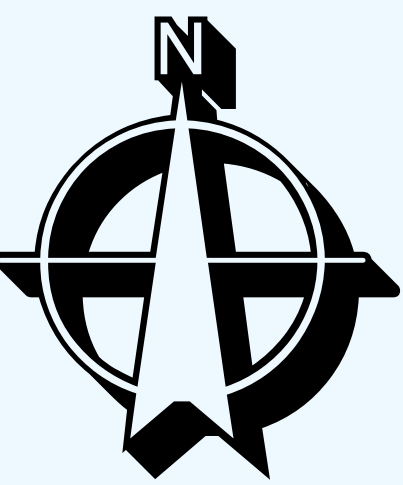
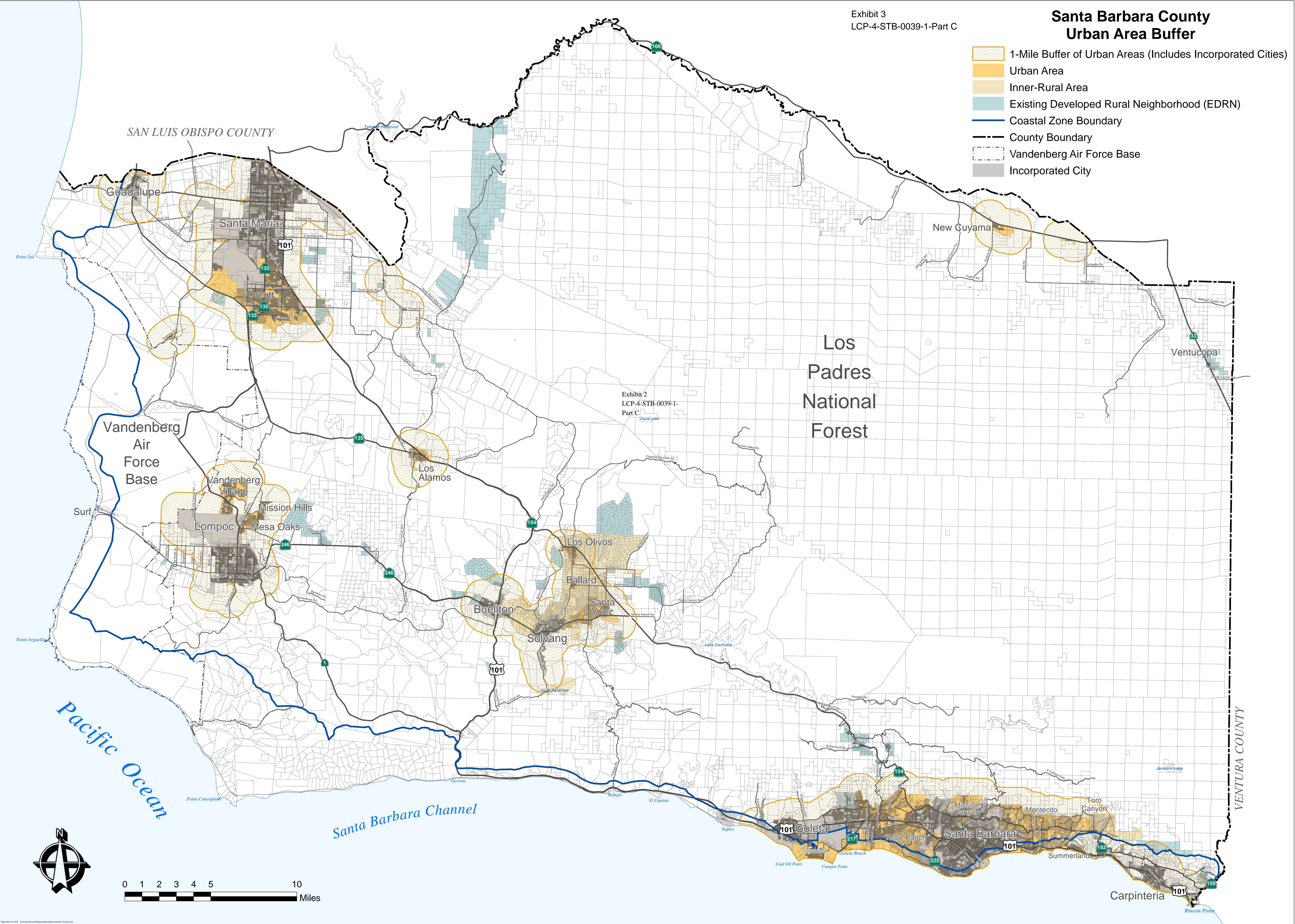
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

**Santa Barbara County
Urban Area Buffer**

- 1-Mile Buffer of Urban Areas (Includes Incorporated Cities)
- Urban Area
- Inner-Rural Area
- Existing Developed Rural Neighborhood (EDRN)
- Coastal Zone Boundary
- County Boundary
- Vandenberg Air Force Base
- Incorporated City



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Miles

CITY of CARPINTERIA, CALIFORNIA



July 23, 2018

Exhibit 4

LCP-4-STB-18-0039-1-Part C

Michelle Kubran, Coastal Program Analyst
South Central Coast District
California Coastal Commission
89 S California Street #200
Ventura, CA 93001

Re: Santa Barbara County Cannabis Land Use Ordinance
Local Coastal Plan Amendment No. LCP-4-STB-18-0039-1-Part C

Dear Ms. Kubran,

The City of Carpinteria ("City") is deeply concerned about the potential for the County of Santa Barbara's ("County") proposed Cannabis Land Use Ordinance (CLUO) Local Coastal Plan Amendment (LCPA) to result in serious negative impacts to residents, services, infrastructure, agriculture and other coastal resources of the Carpinteria Valley Coastal Zone. The City requests the Commission and staff consider the following revisions to the County's proposed CLUO LCPA:

- Include an acreage cap on commercial cannabis activities and prohibit outdoor cultivation in the Carpinteria Agricultural Overlay District; and
- Revise regulations related to accessory cannabis uses to be consistent with regulations for accessory uses applicable to "traditional" agricultural crops in the Coastal Zone.

Specific proposed text changes are included in the attachment to this letter.

Background

The City actively participated in the County's CLUO adoption process, providing numerous written comments and public testimony concerning suggested ordinance revisions and additional feasible mitigation measures to better address concerns of importance to residents of the Carpinteria Valley. Included amongst the City's recommendations was the adoption of an acreage cap limiting the amount of commercial cannabis activity within the Carpinteria Valley, the imposition of more stringent operating standards for cannabis cultivators in the AG zones, and the adoption of meaningful limitations for non-cultivation accessory activities (e.g., manufacturing, processing, distribution, etc.) occurring on agriculturally-zoned (i.e., AG-I/AG-II) properties within the Coastal Zone. We believe such measures are necessary to maintain consistency with Coastal Act policies and existing County of Santa Barbara Local Coastal Plan (LCP) policies and regulations, as well as to address many of the City's stated concerns by limiting the possible extent and incompatible growth of the commercial cannabis industry in the Carpinteria Valley.

Ultimately, the County chose not to include such regulations in the CLUO itself. The County did however opt to impose a cap of 186 acres on indoor and mixed-light cultivation (only) within the Carpinteria Agriculture Overlay (CAO) District, and a cap of zero (0) acres for outdoor cultivation within the county-wide Coastal Zone, as part of their Cannabis Business License regulations. While the City is pleased with the County's decision to limit the type and extent of cannabis cultivation within the Coastal Zone,

and specifically within the Carpinteria Valley through the imposition of these caps, we believe such caps would be more appropriately made part of the CLUO itself rather than imposed through the administrative Cannabis Business License program.

With respect to allowed accessory uses on AG zoned properties, the County's adopted CLUO designated accessory cannabis uses (e.g. non-volatile manufacturing, and distribution) as permitted uses in AG-I and AG-II zones, and volatile manufacturing as a conditionally permitted use in AG-I and AG-II zones.¹ Standards for accessory distribution and manufacturing only require a minimum of 10 percent of the cannabis product handled by these accessory uses to be sourced from the onsite cultivation operation on the agricultural property and place no limitations on the source of the remaining 90 percent of cannabis product. Further, the criteria used for defining what qualifies as accessory use simply states the accessory use must be subordinate to the cultivation use and must have a smaller footprint than the cultivation use and does not account for the cumulative impact of multiple accessory uses on a lot. The City of Carpinteria believes these standards are overly permissive in allowing non-agricultural and potentially intensive industrial processing activities to become established in areas of prime soils on agriculturally designated properties within the Coastal Zone.

In light of these concerns, the City of Carpinteria respectfully requests the Commission and staff consider requiring the following revisions to the County's proposed CLUO LCPA application in order to better protect coastal resources in the Carpinteria Valley:

- **Commercial Cannabis Acreage Caps:** Adopt a broadly-defined commercial cannabis cap allowing no more than 186 acres of all commercial cannabis activity (inclusive of cultivation and all accessory uses) within the Carpinteria Agriculture Overlay District; and a prohibition on outdoor growing within the Carpinteria Agriculture Overlay District.
- **Stringent Accessory Use Regulations:** Establish more effective limits on accessory cannabis uses on agriculturally-designated lands within the Coastal Zone. Such limits should prohibit or, at minimum, further restrict the extent to which commercial cannabis accessory uses are allowed to be established on agriculturally-designated lands, particularly those containing prime soils. To the extent that accessory uses are permitted to be located in the AG-I or AG-II zones, such limits should also treat the processing, manufacturing, and/or distribution of cannabis grown off premises in a manner that is consistent with those regulations already established in the County's LCP for other agricultural products grown off premises.

In support of these recommendations, we offer the following analysis:

1. Proposed CLUO regulations are inconsistent with the California Coastal Act.

Several aspects of the County's proposed CLUO regulations as currently drafted are inconsistent with Coastal Act policies intended to protect agriculture and unique communities within the Coastal Zone. The overly permissive allowances for commercial cannabis activities will almost certainly increase pressure for further conversion of open field, prime agricultural lands to industrialized, indoor agricultural operations and their allowed accessory uses including packing houses, distribution facilities, and manufacturing facilities. This expansion and proliferation of industrialized agriculture activities and their accessory uses is inconsistent with multiple coastal policies, including:

- Coastal Act § 30241 requires "[t]he maximum amount of prime agricultural land shall be maintained in agricultural production..."

¹ All agriculturally zoned land in the Carpinteria Valley is zoned AG-I.

The County's proposed LCPA would require all structures for cannabis cultivation operations, including greenhouses that do not rely upon in-ground cultivation, that are located on premises that contain prime soils to be sited to avoid prime soils to the maximum extent feasible. It is not clear however, who is responsible for making this determination, nor is there any criteria provided for determining what constitutes "the maximum extent feasible." Likewise, the proposed LCPA provides allowances for accessory uses to also be located on prime soils when the Director finds that no alternative location on nonprime soils exists within a reasonable distance of the proposed site. Again, the criteria for what constitutes a reasonable distance is not spelled out or defined. Poorly defined and vaguely worded regulations are not adequate to protect prime agricultural lands or to maintain agricultural production as a priority use within the Coastal Zone. We believe accessory uses should be prohibited entirely on agricultural lands with prime soils in the Coastal Zone.

The County's policy consistency analysis misconstrued the proposed LCPA's consistency with this Coastal Act policy by stating that the proposed LCPA, which allows for new greenhouse construction and multiple cannabis accessory uses on agricultural land, including prime soils, would not allow the conversion of agricultural land to non-agricultural uses since the allowed accessory uses would be considered supportive of agriculture. However, this Coastal Act policy specifically requires prime farmland be maintained in agricultural *production*, not just in agricultural uses. Thus, allowing the conversion of prime farmland to non in-soil production activities and/or accessory uses is inconsistent with Coastal Act § 30241.

The proposed regulations for accessory uses simply require that the accessory use be incidental to the on-site cultivation operations, and have a smaller footprint than the cultivation operations on the premises. Paradoxically, the proposed regulations also only require a minimum of 10 percent of the cannabis product handled in the accessory use to be sourced from onsite cultivation and place no limitations on the source of other cannabis products. An "accessory" distribution or manufacturing facility that processes up to 90 percent of its product from offsite sources hardly qualifies as an incidental, accessory use. Considering the size of some of the cultivation facilities already existing in the Carpinteria Valley, the proposed regulation could accommodate large-scale processing facilities that contribute to the ongoing conversion of agricultural lands to non-agricultural production uses more closely aligned with the types of uses expected in a manufacturing or light industrial zone district. Allowing such intensive non-agricultural activities in agricultural zones, and potentially even on prime soils, will not maintain the maximum amount of agricultural land or agricultural production in the Coastal Zone. Sufficient non-agricultural lands are available in the unincorporated County or surrounding jurisdictions to accommodate all non-cultivation cannabis activities, such that there is no compelling reason to allow the conversion of prime farmland into non-cultivation uses.

- Coastal Act § 30250(b) requires, "*where feasible, new hazardous industrial development shall be located away from existing developed areas.*"

The LCPA proposes to allow volatile manufacturing with a use permit in AG-I zones, most of which are in close proximity to developed, urban areas of the City of Carpinteria. The proposal to allow volatile manufacturing, which includes use of hazardous and volatile chemicals in manufacturing processes in AG-I zones, particularly in the Carpinteria Agricultural Overlay District adjacent to the City of Carpinteria, is inconsistent with Coastal Act § 30250(b).

- Coastal Act § 30253(e) requires new development to, “*where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*”

The proposed LCPA is overly permissive by design in order to meet the County’s stated top project objective to accommodate and allow for a “*robust and economically viable legal cannabis industry to ensure production and availability of high quality cannabis products to help meet local demands, and as a public benefit, improve the County’s tax base.*” The resultant proliferation of cannabis cultivators in the Carpinteria Valley, and the expected continued expansion of these uses runs the risk of threatening some of the very qualities that make the Carpinteria Valley such a unique and special community.

The Coastal Zone boundary was purposely drawn to include the entire Carpinteria Valley within its boundary in recognition of the unique coastal resources that exist in the area, including but not limited to viable agriculture on prime soils, scenic ocean and coastal mountain views, important habitat areas, and the small beach town charm of the City of Carpinteria. Many of these attributes contribute to the popularity of this area as a visitor destination. To the extent that loosely regulated or overly permissive County cannabis regulations allow for an inundation of commercial cannabis uses within the Valley, some of the very qualities that make the Carpinteria area so unique and valuable are at risk of being impacted. Numerous complaints have been filed, and continue to be filed, citing objectionable odors, lighting impacts, and security/crime concerns with the commercial cannabis industry that, cumulatively, degrade the quality of life for surrounding areas. Stringent regulatory acreage caps on cannabis activities and limitations on allowed accessory uses are needed to ensure that the commercial cannabis industry does not materially detract from what makes the Carpinteria Valley a highly attractive coastal tourism area.

2. Proposed CLUO regulations are inconsistent with the County’s existing LCP.

The County’s proposed CLUO LCPA treats commercial cannabis activities in a manner that is significantly more permissive than how other “traditional” agricultural crops are regulated in the LCP. Given the particularly unique demand for and economic value of this crop compared to other crops grown in the area, as well as the documented nuisance impacts and land use conflicts associated with cannabis activities, such an approach is inappropriate and inconsistent with the existing LCP. At minimum, commercial cannabis cultivation activities should be treated in a manner that is the same as other agricultural crops. In some cases, cannabis activities that are more intensive or that create additional impacts beyond those typically associated with other agricultural products or practices should be more restrictively regulated. Specifically, we identified the following discrepancies:

- Cannabis Accessory Activities (e.g., distribution, non-volatile manufacturing) are proposed to be allowed as permitted accessory uses within AG-I and AG-II zones so long as the processing activities include a minimum of 10 percent of materials sourced from on-site (e.g., up to 90 percent sourced from off-site), despite the fact that similar processing activities for other agricultural products within the Coastal Zone are required to obtain a Major Conditional Use Permit (see Coastal Zoning Ordinance (CZO) §35-68.4(3) and CZO §35-69.4(4)), and are subject to an extensive list of standards and limitations.
- Volatile Cannabis Manufacturing is proposed to be a permitted use subject to a Major Conditional Use Permit in the AG-I and AG-II zone districts, despite the fact that no similar agricultural processing activities involving the use of flammable or explosive materials and processes are similarly permitted in AG-I zone districts (see CZO §35.68.4 and 35-68.5).

- Parking requirements for commercial cannabis activities are not specified in the proposed CLUO LCPA, nor is the provision of onsite parking required to be addressed as part of the mandated Site Transportation Demand Management Plan. Presumably this means the existing parking standards for agricultural activities as specified in CZO §35-113 (i.e., two parking spaces per acre of land in such use) would be applied to commercial cannabis cultivation. It is also unclear whether permitted agricultural accessory uses (cannabis distribution, manufacturing, etc.) would be subject to the agriculture parking rate or some other parking rate (e.g., industrial). Cannabis cultivation activities have been shown to have a much higher labor demand compared to other agricultural products (i.e., greenhouse cannabis cultivation uses approximately 595 square feet per worker (FTE), compared to (conservatively) 38,314 square feet per worker for cut flower growing).² This difference in employee demands can anecdotally be observed by driving through the Carpinteria Valley and observing the recent uptick in employee vehicles parked along road shoulders in the vicinity of premises that have recently undertaken cannabis cultivation activities. These figures and observations suggest specific parking requirements unique to commercial cannabis cultivation and accessory uses are warranted in an effort to not detract from the rural character and scenic quality of the Carpinteria Valley and to ensure public access to coastal resources, including existing and planned public trails in the Coastal Zone, is not impacted by cannabis uses.

3. Protection of coastal resources can be more effectively achieved through robust LCP policies and implementation measures.

The adoption of acreage caps as part of the CLUO LCPA would provide for stronger regulatory control within the Coastal Zone and diminish the likelihood of said caps being made more permissive or even withdrawn entirely without public or Coastal Commission review of the impacts on coastal resources. Currently the County's caps are adopted through an administrative process that can be expediently changed when, or if, it suits the County's current political environment. This arrangement offers no permanent or meaningful long-term protection for coastal resources in the Carpinteria Valley from continued cannabis industry growth or expansion. Likewise, consistent and meaningful limitations on accessory uses ensure important coastal resources are better protected for the public's benefit.

Carpinteria has been witness to the impacts of a rapidly expanding agricultural industry in the past with the original proliferation of greenhouses throughout the Valley during the cut flower industry boom. In response to the very real threat that the prime soils and unique coastal resources of the Carpinteria Valley could have been irreplaceably lost to ever-expanding greenhouse development, the Coastal Commission wisely directed the County to develop and adopt what eventually became the Carpinteria Agriculture Overlay (CAO) District. The CAO recognized the threats in allowing the Carpinteria Valley to be inundated by a single agricultural industry, and the resultant loss of valuable coastal resources, including but not limited to, prime soils with excellent climatic growing conditions, unimpaired coastal viewsheds, sensitive coastal habitats, and even the semi-rural, small beach town charm of the Carpinteria Valley that makes it a popular visitor destination area. Appropriate limitations were placed on new greenhouse development to check this growth, and avoid the risk of losing those resources that help make the Carpinteria Valley unique in Southern California. Similar limitations on the commercial cannabis industry are necessary for the same reasons.

² Matthews, William A.; Sumner, Daniel A.; Medellín-Azuara, Josué; Hanon, Tristan. "*Economics of the California Cut Flower Industry and Potential Impacts of Legal Cannabis*." University of California Agricultural Issues Center. August 30, 2017.

The Carpinteria Valley is favorably located to be one of the primary producers of cannabis products for the entire Southern California cannabis market. Many of the jurisdictions in Southern California have significantly restricted or even prohibited commercial cultivation, such that demand is being largely met through imported cannabis from other parts of the state, including Santa Barbara County. This is already borne out by a review of the numbers of State licenses issued for cannabis cultivation, where currently Santa Barbara County leads all other California counties in the number of issued cannabis licenses, a large percentage of which are concentrated in the Carpinteria Valley.³ A well-reasoned regulatory cap and clear, enforceable limitations on accessory uses that allow the cannabis industry to have a viable presence in the Carpinteria Valley agricultural areas without overwhelming nearby residents, visitors, other land uses, and coastal resources with the negative or undesirable impacts of the industry is warranted.

It is also worth noting that there is nothing inherently unique about cannabis that requires it to be grown within the Coastal Zone generally or the Carpinteria Valley specifically. The favorable climate and generally high quality soils of the Carpinteria Valley are however, an important resource for in-soil cultivation practices of other valuable agricultural products that cannot be as easily grown in other climates or conditions (e.g., avocados, cherimoyas, etc.). The productive, prime soils of the Carpinteria Valley should thus be largely preserved for those crops that actually require the unique qualities found on Carpinteria Valley agricultural lands.

In light of the important coastal resources found in the Carpinteria Valley and the unique impacts of the commercial cannabis industry, we believe more stringent regulations are necessary in order to successfully preserve and protect the Carpinteria Valley. For these reasons, we strongly urge Commission staff to consider incorporating our recommended revisions into the County's LCPU for the CLUO.

Should you have further questions or wish to discuss with us our concerns in more detail, we would be happy to meet with you at your convenience.

Sincerely,



Steve Goggia, Community Development Director
(805) 755-4414

Cc: Dave Durflinger, City Manager

Attachment: Proposed Modifications to Santa Barbara County CLUO LCPU

³ Staggs, Brooke. "So far, California has 6,000 licensed cannabis businesses. Here's what that looks like." *The Orange County Register*. April 27, 2018. <https://www.ocregister.com/2018/04/27/so-far-california-has-6000-licensed-cannabis-businesses-heres-what-that-looks-like/>

**City of Carpinteria Proposed Modifications
to
Santa Barbara County Proposed Cannabis Land Use Ordinance (CLUO)
Local Coastal Plan Amendment (LCPA)**

City of Carpinteria proposed text changes to Coastal Zoning Ordinance LCPA shown in strike-through and underline.

1. Cap and restrict cannabis activities in the Carpinteria Agricultural Overlay District.

Revision to Sec. 35-144U.D.1.a:

a. AG-I Lots 20 acres or less; Lots zone AG-I-5; and/or Lots zone AG-I-10; and or Lots in Carpinteria Agricultural Overlay District. Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited on lots zoned AG-I that are 20 acres or less in size; lots zoned AG-I-5; and/or lots zoned AG-I-10; and/or lots in the Carpinteria Agricultural Overlay District.

Addition to Sec. 35-144U.D as 7.:

7. Carpinteria Agricultural Overlay Cap. No more than 186 acres of commercial cannabis activity shall be permitted within the Carpinteria Agricultural Overlay District.

2. Accessory Use Regulations

Revision to Sec. 35-68.3 (Permitted Uses):

~~13. Cannabis, Distribution, subject to the provisions of Section 35-144U.~~

~~14. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.~~

Addition to Sec. 35-68.4 (Uses Permitted with a Major Conditional Use Permit):

7. Cannabis, Distribution, subject to the provisions of Section 35-144U.

8. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

Revision to Sec. 35-144U.B.4 Allowed Cannabis Uses and Permit Requirement by Zone Table to correspond to above changes to permit requirements.

Revision to Sec. 35-144U.D.3 (Specific use development standards – Distribution)

- a. Cultivation limits.** Distribution on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:

- 1) A minimum of 10% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur. All other cannabis product shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
- 2) Distribution shall be subordinate and incidental to the cultivation use of the lot, and the area designated for distribution and all other accessory uses on the lot, including paved driveways and parking areas, shall cumulatively occupy a smaller footprint than the area that is designated for cultivation on the lot.
- 3) The primary intent of the development of the distribution use shall be to serve residents of Santa Barbara County.
- 4) Distribution uses shall be prohibited on prime soils.
- 5) Parking for distribution uses shall be provided at the rate specified for wholesaling, warehousing, and storage facility uses in Sec. 35-111 of this ordinance.

Revision to Sec. 35-144U.D.3 (Specific use development standards – Manufacturing)

- a. **Cultivation limits.** Manufacturing (volatile and non-volatile) on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:

- 1) A minimum of 10% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur. All other cannabis product shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
- 2) Manufacturing shall be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing and all other accessory uses on the lot, including paved driveways and parking areas, shall cumulatively occupy a smaller footprint than the area that is designated for cultivation on the lot.
- 3) The primary intent of the development of the manufacturing use shall be to serve residents of Santa Barbara County.
- 4) Manufacturing uses shall be prohibited on prime soils.
- 5) Parking for manufacturing uses shall be provided at the rate specified for research and development, manufacturing, and processing uses in Sec. 35-111 of this ordinance.

3. Prohibit volatile manufacturing in the Carpinteria Agricultural Overlay District.

Proposed addition to Sec. 35-144U.D.4:

d. Volatile manufacturing is prohibited on lots located within the Carpinteria Agricultural Overlay District.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



W17c

ADDENDUM

DATE: October 8, 2018

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item W17c, Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-18-0039-1-Part C (Cannabis Regulations), Wednesday, October 10, 2018

The purpose of this addendum is to (1) revise the "Allowed Cannabis Uses and Permit Requirement by Zone" table and Section 35-144U.D.1 of Suggested Modification No. 3, (2) revise the findings of the staff report regarding Suggested Modification No. 3, and (3) attach and respond to letters of public correspondence received to-date regarding the staff recommendation (see Correspondence packet for copies of correspondence received).

1. CHANGES TO SUGGESTED MODIFICATIONS

a. Revision to footnote 4 of the Allowed Cannabis Uses and Permit Requirement by Zone table of Suggested Modification No. 3

The following revision to footnote 4 of the Allowed Cannabis Uses and Permit Requirement by Zone table is made in response to public comment received to-date regarding the staff recommendation. Language to be deleted is shown in ~~**bold double**~~ ~~**strikeout**~~ and language to be inserted is **bold double underlined**:

Outdoor cultivation is not allowed within ~~one~~ two miles of an Urban Rural boundary.

b. Revision to Section 35-144U.D.1 of Suggested Modification No. 3

The following revision to Section 35-144U.D.1 is made in response to public comment received to-date regarding the staff recommendation. Language to be deleted is shown in ~~**bold double**~~ ~~**strikeout**~~ and language to be inserted is **bold double underlined**:

D. Specific use development standards. All commercial cannabis activities shall comply with the following development standards specific to the applicable permit type.

1. Cultivation.

- a. AG-I Lots 20 acres or less; Lots zoned AG-I-5; and/or Lots zoned AG-I-10 and lots within two miles of an Urban-Rural boundary. Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited on lots zoned AG-I that are 20 acres or less in size; lots zoned AG-I-5; and/or lots zoned AG-I-10, and lots within one two miles of an Urban Rural boundary. Indoor and mixed-light cultivation shall be located in existing structures to the maximum extent feasible. No more than 186 acres of cannabis cultivation, nurseries, and microbusinesses with cultivation shall be allowed at any one time within the boundaries of Area A and Area B of the Carpinteria Agricultural Overlay District, as implemented through the Cannabis Business License Ordinance.

2. CHANGES TO THE SUMMARY OF STAFF RECOMMENDATION AND COMMISSION FINDINGS. The following revisions to the findings of the staff report are made as follows (language to be inserted is underlined and language to be deleted is shown in ~~strikeout~~):

Last paragraph on page 2

Another inconsistency between the Business License Ordinance and the proposed IP/CZO amendment is that outdoor cultivation is completely prohibited in the Business License Ordinance but allowed in the IP/CZO amendment. The County indicated that their intent is to prohibit outdoor cultivation due to concerns about odors and other nuisances associated with this type of crop in agricultural areas that are in close proximity to residential and other urban land uses, particularly in the Carpinteria Valley where most of the cultivation is expected to occur. However, requiring cannabis cultivation to occur indoors throughout the County's coastal zone, even in rural areas, creates the potential for a significant increase in the construction of greenhouses and other structures on prime soils and other land suitable for agriculture. This has the potential to result in adverse impacts to agricultural and visual resources. Commission staff worked with the County to address this issue by limiting the prohibition on outdoor cultivation to within one mile of the County's Urban-Rural boundary. However, this standard did not prohibit outdoor cultivation in all areas of the Carpinteria Valley, and some residents, citing the odor from existing cultivation operations, expressed concern for allowing outdoor cultivation in those areas. Therefore, Commission staff has revised Suggested Modification No. 3 to prohibit outdoor cultivation within two miles of an Urban-Rural boundary. This standard would minimize nuisances from the cultivation activities near residential neighborhoods and schools in the Carpinteria Valley and allow for outdoor cultivation in areas further away from sensitive receptors. Commission staff also notes that where outdoor cultivation could be allowed, outdoor cultivation would still need to be consistent with the odor abatement and other standards of the certified LCP, and only where outdoor cultivation would not create a nuisance would those activities be allowed. Therefore, in order to be consistent with the agriculture protection policies of the County's certified LUP, as well as meet the needs of the local jurisdiction, Suggested Modification No. 3

prohibits outdoor cultivation on AG-I and AG-II zoned lots within ~~one~~ two miles of an Urban-Rural boundary.

Second and third paragraphs on page 13

As previously described, the proposed IP/CZO amendment would allow cultivation, distribution, and manufacturing on AG-I and AG-II zoned lots. Proposed development standards for cultivation include prohibition of outdoor cultivation on AG-I lots of certain sizes and on AG-I lots within 1,500 ft. of a residential zone or school. This development standard was proposed to ensure that nuisances associated with cannabis cultivation, such as odor and noise, are minimized near schools and residential areas. When the County adopted the Cannabis Business License Ordinance after adoption of the IP/CZO amendment, a change was made in the Business License Ordinance to prohibit all outdoor cultivation in the coastal zone. However, this change was not made in the IP/CZO amendment. Commission staff coordinated with County staff to determine the County's intent with regards to outdoor cultivation. Commission staff also discussed with County staff the concern that prohibiting outdoor cultivation everywhere in the coastal zone, even in rural areas, would force cultivation to be conducted indoors, and thus increase the construction of greenhouses and accessory structures on prime soils and land suitable for open field agriculture. County staff determined that prohibition of outdoor cultivation within one mile of an Urban-Rural boundary would be an appropriate standard in order to minimize nuisances from the cultivation activities and to allow for outdoor cultivation in areas further away from sensitive receptors. This change would result in the prohibition of outdoor cultivation for most of the agricultural areas near the cities of Carpinteria and Goleta, and outdoor cultivation would be allowed on the entire Gaviota Coast (Exhibit 3). However, some residents that live in areas of the Carpinteria Valley where outdoor cultivation could be allowed, citing the odor from existing cultivation operations, expressed concern for allowing outdoor cultivation in those areas. Since the certified LCP currently contains the Carpinteria Agricultural Overlay District, which limits the square footage of greenhouses and other plant protection structures built in the Carpinteria Valley, prohibiting outdoor cultivation within two miles of the Urban-Rural boundary would be consistent is consistent with the agriculture protection policies of the Coastal Act and County's LUP. Therefore, Commission staff has revised Suggested Modification No. 3 to prohibit outdoor cultivation within two miles of an Urban-Rural boundary. By prohibiting outdoor cultivation within ~~one~~ two miles of an Urban-Rural boundary, both the conflicts between cultivation activities and residences and schools and the potential for the proliferation of greenhouses and other structures for cannabis cultivation in rural areas, such as the Gaviota Coast, would be minimized. Therefore, in order to be consistent with Coastal Act Sections 30241 and 30242 as incorporated into the County's LUP as well as meet the needs of the local jurisdiction, Suggested Modification No. 3 is included to include the prohibition of outdoor cultivation on AG-I and AG-II zoned lots within ~~one~~ two miles of an Urban-Rural boundary.

The proposed prohibition of outdoor cultivation within ~~one~~ two miles of an Urban-Rural boundary would effectively require ~~most~~ all cultivation within the Carpinteria Valley to be conducted indoors (i.e., in a greenhouse, hothouse, or other structure)....

3. CORRESPONDENCE RECEIVED. Letters of correspondence from individuals and organizations received to-date since publication of the staff report are available in the Correspondence packet.

The letter of correspondence received from Santa Barbara County Board Supervisor Das Williams (dated October 5, 2018) supports staff recommendation with the exception of Suggested Modification No. 3 regarding the prohibition of outdoor cultivation within one mile of an Urban-Rural boundary and the requirement that all cannabis that is manufactured or distributed on agricultural land within the County is sourced from lands within 25 miles of the boundaries of Santa Barbara County. In the letter, Supervisor Williams' first point requests that the Commission certify the LCP amendment to prohibit outdoor cultivation within the entire coastal zone. In response to this request as well as the public correspondence received to-date, Commission staff has revised Suggested Modification No. 3 to prohibit outdoor cultivation within two miles of an Urban-Rural boundary. Commission staff believes this compromise approach that was developed in coordination with County staff would effectively prohibit outdoor cultivation within the Carpinteria Valley, Toro Canyon, Summerland, Montecito, and Goleta areas but allow the potential for outdoor cultivation on the Gaviota Coast away from sensitive receptors and where there are no absolute limitations on the number and size of greenhouses. Therefore, Commission staff believes this revision resolves this issue.

Supervisor Williams' second point, regarding the requirement that all manufactured or distributed cannabis in the County that is grown offsite is sourced from lands within 25 miles of the boundaries of Santa Barbara County, requests that the Commission strike this suggested modification. However, this suggested modification (Suggested Modification No. 3) is necessary to regulate cannabis in a manner similar to other agricultural crops as well as protect the local agricultural economy, prime soils, and non-prime land suitable for agriculture. As proposed the amendment only requires that 10% of the cannabis plant material that is manufactured or distributed on agriculture zoned lands must be sourced on site. County staff has indicated that this standard was proposed in order to allow for consolidation of cannabis operations within the County. However, since no other limitations were proposed for the source material, 90% of the manufactured or distributed cannabis products in Santa Barbara County could conceivably be sourced from other areas of the state, which could have the potential to impact prime soils and other land suitable for agriculture. Further, this suggested standard in Suggested Modification No. 3 would only apply to agriculture zoned land and would not apply to manufacturing or distribution operations on industrial or other zoned lands.

In addition to Supervisor Williams' letter, the City of Carpinteria submitted a letter (dated October 5, 2018) in general support of the suggested modifications with two exceptions regarding accessory uses and volatile manufacturing on agricultural lands. As stated in the staff report, Commission staff believes that the suggested modifications address these concerns. The City submitted an additional letter on October 8, 2018 that addresses an additional issue of concern for the City. In the October 8, 2018 letter, the City requests that the Commission clarify that outdoor nurseries are also prohibited in addition to the

prohibition on outdoor cultivation. As proposed in the “Allowed Cannabis Uses and Permit Requirement by Zone” table, nurseries are listed as a type of cultivation. Additionally, the subject amendment does not include any development standards specific to nurseries. Therefore, Commission staff interprets the proposed amendment to treat nurseries as a type of cultivation, and thus, the cultivation standards of the proposed amendment would apply.